

they can't find any reason why there is not eight feet. That is part of the Shovellers difficulty at this stage. It is not up to the Shovellers to say why it should be moved but the Shovellers think it should be for the applicant to determine why is it there; are there structural problems with the property to make it need the shed to be put there; are there space limitations. He said there are none of those reasons and other than the shed being there right now they are at a loss to determine why staff's recommendation should be overturned.

Councillor Meade said before the plan came into effect it is his understanding that it was only four feet for a shed. When the plan came into effect in 1988 it went to eight feet. He had built this back in 1988 he would only be one and one half feet away. Mr. Mahody said he agrees with this but, by the same token, the by-law is now clearly eight feet and it was eight feet in 1991.

#### DECISION OF COUNCIL

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

'THAT THE MINOR VARIANCE APPEAL BE GRANTED TO DONALD AND MARGARET BLOIS'

Councillor McInroy said this is a contravention of the Planning Act requirements. He said council should look at changing the by-law to give some flexibility to make those kinds of decisions.

Councillor Giffin said the building inspector would not have seen this unless he was in that area for a particular reason. He said there was really no need for this variance because there is adequate space there. He said he feels that the building should be moved.

Councillor Bates said he agrees that maybe the time has come when the county looks at these things and maybe have some changes made to enable council to make decisions different from what is now in place.

Councillor Merrigan said there are a lot of circumstances here that are confusing. He asked if the county is really prepared to go to court and have this shed removed after four years. He said council has to look at this realistically as to whether or not the county is willing to spend tax payers dollars to take this to court to remove his shed.

#### MOTION CARRIED

#### EXECUTIVE COMMITTEE REPORT CONTINUED

Consulting Services - Private/Public Partnering for Solid Waste Management

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

'THAT COUNCIL CONFIRM THE SELECTION OF SYNTEL CONSULTANCY TO DEVELOP A PROGRAM TO PROCURE PRIVATE SECTOR PARTNERING FOR THE REGIONAL SOLID WASTE MANAGEMENT PROJECT SUBJECT TO FUNDING PROVIDED BY ACOA"

MOTION CARRIED

Borrowing Resolution TBR87-10 - Sewer (MacPherson/Lockview Road)

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

'THAT BORROWING RESOLUTION TBR87-10, SEWER (MACPHERSON/ LOCKVIEW ROAD) IN THE AMOUNT OF \$1,000,000 BE APPROVED"

MOTION CARRIED

DOG TAGS - COUNCILLOR DEVEAUX

Councillor Deveaux asked if it would be possible to make a decision earlier in the year with regards to the sale of dog tags. He said in the past they are not usually sold until the end of February or early March. He said what happens with regards to the people who call or come in and want to pay at the beginning of the year. He said this needs to be looked at to avoid this situation from happening every year.

Mr. Meech said this could be referred to staff for a report and recommendation. He said he does not see any difficulty in accomplishing what is being suggested. He said it would be a matter of advancing the dates on which staff would bring forward a report to consider increasing the license rates.

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

"THAT THE RATE FOR THE DOG LICENSE BE THE SAME AS 1994 (\$20.00)"

MOTION CARRIED

POST OFFICE - COUNCILLOR DEVEAUX

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

"THAT A LETTER, WITH A COPY TO THE MP, BE WRITTEN TO

CANADA POST REQUESTING AN ADDITION BE CONSIDERED FOR  
THE POST OFFICE LOCATED IN EASTERN PASSAGE"

MOTION CARRIED

HALIFAX HARBOUR CLEANUP INC.

Deputy Mayor Cooper advised that the report was for council's information.

Mr. Meech updated council with regards to the issues.

Councillor Harvey said for the amount of money paid out since the project was announced none of it has been used to clean up the harbour. He said he feels there is a lack of political will to carry forward this very important project. He said as a result forty outfalls with raw sewage will continue to dump their effluent into the harbour daily. He said he feels that council should take some action on this.

REDISTRIBUTION COMMITTEE REPORT

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

'THAT A LETTER BE WRITTEN TO COMMISSIONER HAYWARD  
INDICATING THAT REDISTRIBUTION COMMITTEE IS WORKING ON  
THE ELECTION BOUNDARIES AND EXPECTS TO HAVE A  
RECOMMENDATION IN DUE COURSE"

MOTION CARRIED

URGENT AGENDA ITEMS

Councillor Brill - Economic Development

Councillor Brill said there is a situation whereby the Economic Development officer in Sackville is due to go on maternity leave and he would like to know if that person was going to be replaced. He said there is pending RDA funding for the Halifax County RDA but no final word has been received from the Province or ACOA.

Mr. Meech said there has been no formal communication as to the commitment to the funding for the new RDA. He said with regards to a replacement he will deal with that and has initiated some action with regards to this.

ADDITION OF ITEMS TO FEBRUARY 7, 1995 COUNCIL SESSION

No items added at this time.

ADJOURNMENT

It was moved by Councillor Deveaux:

"THAT THE MEETING BE ADJOURNED"

MOTION CARRIED

PUBLIC HEARING

JANUARY 9, 1995

THOSE PRESENT:

Councillor Rankin  
Councillor Fralick  
Councillor Mitchell  
Mayor Ball  
Councillor Deveaux  
Councillor Bates  
Councillor Hendsbee  
Councillor Levy  
Councillor Dooks  
Councillor Smiley  
Councillor Merrigan  
Councillor Brill  
Councillor Snow  
Councillor Giffin  
Councillor Hache  
Councillor Scratch  
Councillor Harvey  
Councillor Turner  
Councillor McInroy  
Deputy Mayor Cooper

ALSO PRESENT:

Nancy Dempsey Crossman, Municipal Clerk  
Alan Dickson, Municipal Solicitor

REGRETS:

Councillor Reid  
Councillor Peters  
Councillor Naugle

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

APPOINTMENT OF RECORDING SECRETARY

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

"THAT JULIA HORNCastle BE APPOINTED AS RECORDING SECRETARY"

MOTION CARRIED

1. ZA-LM-16-94 - APPLICATION BY 2266482 NOVA SCOTIA LTD. TO AMEND THE PROVISIONS OF THE C-2 (GENERAL BUSINESS) ZONE UNDER THE LAKE MAJOR LAND USE BY-LAW TO PERMIT DAY CARE FACILITIES.

The staff report was presented by Mitch Dickey who stated that there is a vacant commercial building on the lot which the owner wishes to rent out for day care use. The current zoning does not permit this type of use. In processing the application it was found that in 1989 a similar amendment had been done to the

application to the land use by-law and that institutional uses were listed as permitted uses. When the new planning strategy land use by-law was adopted in 1993 this provision was inadvertently omitted. Of the nine land use by-laws that have the C-2 general commercial zone the Lake Major by-law is the only one which does not permit institutional uses in the C-2 zones. Normally these uses are permitted within the zone. The rationale being that they provide a community service to area residents and there impacts are generally less than that of general commercial uses. Within this plan area the residential base zone permits institutional uses as a right, as do most of the other zones in the community. This C-2 zone does not permit them. Adding the institutional uses as permitted uses within the C-2 zone would therefore be consistent with the intent of the planning strategy to allow these uses throughout the community and would be consistent with other municipal planning strategies. It is recommended that the amendments in Appendix A be approved by Council.

QUESTIONS FROM COUNCIL

Councillor Bates asked how the conclusion that the provision was inadvertently omitted was arrived at.

Mr. Dickey stated that in consultation with other staff members who dealt with the plan review there was no recollection that it came up through the plan review process. No record could be found of any move to have it dropped from the C-2 zone. It appears that it was not transferred from the old land use by-law to the new one.

Councillor Bates asked if it was possible that this was what the people wanted, one of the reasons for reviewing the plan is to add and take away from the plan and restructure it. He stated that he recalled plan amendments, and that we seemed to go over every line of the plan, and to simply say that because it was there in 1989 and in 1993 the plan was revised, to now conclude that there was a mistake made, one of the ways to amend it could be to simply not include it.

Mr. Dickey stated that this was considered, but no record could be found that it was deliberately left out. In regards to this particular property, all the properties around it are zoned RA or institutional, which permit day care uses or other institutional uses as a right, as mentioned in the report. Probably ninety (90) percent of the properties in the plan area permit day care or institutional uses. So that adding it within the C-2 zone will not make it out of character with everything else.

Councillor Bates asked that if someone came in and had a plan and there was something in it from 1989, and it is not in it in 1993, do you assume that they made a mistake in 1993.

Mr. Dickey stated that the assumption would be that something was

taken out for a reason.

Mayor Ball asked if this is basically allowing institutional uses in a C-2 zone that was omitted.

Mr. Dickey replied yes.

Mayor Ball asked what kind of institutional uses we are permitting.

Mr. Dickey stated that in addition to daycare uses there would be community centres and halls, churches and associated uses, educational institutions, government offices, fire and police stations, nursing homes and libraries.

Mayor Ball asked based on this what uses are permitted in the C-2 zone on top of this.

Mr. Dickey stated any commercial use, retail uses, office, car dealerships, contractors, yards, restaurants, shopping plazas, gas stations.

Mayor Ball asked that regardless of what we do the C-2 zone is allowing certain uses, and this addition is allowing libraries, and day care facilities but nothing commercial.

Mr. Dickey replied yes.

Deputy Mayor Cooper asked when the application was made.

Mr. Dickey stated the application was made in early October, 1994.

Deputy Mayor Cooper asked what process was used to review the passing of the plan that would establish for certain that it had been inadvertently left out, rather than what was required.

Mr. Dickey stated that he spoke with the planners that handled the plan review process, as well as the secretaries to find out what procedure had been followed for preparing the new documents. The four people involved stated there was no recollection of any deliberate move to leave things out.

Deputy Mayor Cooper asked if there was a review of the records of PAC or the Planning Review Committee at the time.

Mr. Dickey stated no there was not.

Deputy Mayor Cooper stated that maybe there might have been something in the land review which resulted in this, and yet we did not do a complete follow up on this.

Mr. Dickey stated he relied on the advice of the senior planner.

Deputy Mayor Cooper commented that we have seen a number of plans, and we seem to do a review of the other development plans and allow in others, and therefore it should be allowed in this. These are all specific plans which are not intended to be identical. He states he does not believe we should be using this as a rationale in any of our arguments.

SPEAKERS IN FAVOUR

No Speakers

SPEAKERS IN OPPOSITION

No Speakers

Councillor Bates stated that he is not clear that the intention of the plan review was to inadvertently leave this out. It seems that the lot in question has a wet area on it, there was a lot of problems downstream from the lot with human waste. He stated he has visited it in the last few years, and that the Department of Health has turned it down, and then was overruled by a Section 39. He stated that the property is very close to a busy intersection.

It was moved by Councillor Bates, seconded by Councillor Deveaux

"THAT THE AMENDMENTS NOT BE APPROVED"

MOTION CARRIED

2. RA-TLB-24-94-02 - APPLICATION BY THERESA MACLEAN AND DAN MANNETT TO REZONE PROPERTY AT 1627 ST. MARGARETS BAY ROAD FROM r-1 (SINGLE UNIT DWELLING) ZONE TO R-1A (AUXILIARY DWELLING UNIT) ZONE IN ORDER TO PERMIT AN AUXILIARY DWELLING UNIT

The Staff report was presented by Mitch Dickey who stated that the owners recently constructed a split entry style dwelling on the lot, which has three bedrooms on the main level, and the basement is partially finished with an office. The remainder of the basement is unfinished. The applicants wish to get approval for a small self contained one bedroom basement apartment. The upper unit of the house is currently occupied by Mr. Mannett's sister and the lower unit is intended to be rented out.

Mr. Dickey showed slides to illustrate.

Mr. Dickey stated that this property is located within the urban residential designation as established under the Municipal planning strategy for the area. This designation gives priority to the development of single unit dwellings, however it is recognized that alternative housing accommodation is needed to satisfy the various needs of community residents.



With respect to auxiliary dwelling units, he stated that the planning strategy recognizes there is a growing trend in the housing market to provide small independent apartments within new and existing single unit dwellings. He stated that the impact of these units is generally minimal but there are concerns about the appearance of these dwellings and how they will impact on established neighbourhoods. He stated that in considering an application the appearance of the dwelling must be taken into account as well as general planning matters.

In regard to traffic he stated that there is an existing driveway off of highway # 3, the St. Margaret's Bay Road which is being utilized that has been approved by the Department of Transportation for a two unit use.

In regards to appearance, the land use by-law states that a basement apartment cannot exceed 40% of the total floor area of the dwelling, and there can only be one door located along the front wall of the dwelling, and that three parking spaces must be provided. Mr. Dickey stated that all of this criteria can be met in this case, however if the application is approved it will be necessary for the applicants to remove one of the front doors in order to comply with the appearance criteria of the land use by-law. The applicants have indicated that they would be willing to do this to comply with the criteria. It is recommended that this application be approved.

QUESTIONS FROM COUNCIL

Councillor Harvey asked if approval would be subject to the two doors becoming one door.

Mr. Dickey replied yes.

Councillor Harvey asked if the doors go to self contained units now.

Mr. Dickey said yes, one door goes upstairs.

Councillor Harvey asked if inside they are self contained

Mr. Dickey replied yes.

Councillor Harvey asked if they can overcome this by rearranging their front entrance.

Mr. Dickey stated yes it is not a structural problem, just a matter of renovations.

Councillor Brill asked if it was obvious that they were going to have this zoned R1-A from the beginning.

Mr. Dickey stated that the applicants were told that it would be at the discretion of Council.

Councillor Brill asked why they had two front doors.

Mr. Dickey stated that the applicants were eager to have the house constructed that they acted a bit prematurely.

Councillor Brill asked if the owners were new builders or if this was their first home.

Mr. Dickey stated he did not know.

Councillor Brill asked if there was any off street parking allowed for.

Mr. Dickey stated yes there is sufficient parking located in the driveway off of highway # 3. There is room for four vehicles, they only require three.

Councillor Brill asked where the second entrance would be.

Mr. Dickey stated that the entrance to the basement is from the St. Margaret's Bay Road side and in doing renovations they would have to acquire a common front door, which the people in both units would use, and there would be doors inside leading up and down.

Councillor Brill asked if this would be acceptable with fire regulations.

Mr. Dickey replied yes.

Councillor Rankin asked if the three parking spaces relate to just the residential.

Mr. Dickey stated that they do intend to have a small office, with a home occupation within the basement, as yet no application has been made. They will require extra parking for that, which would have to be provided, it is capable, should they provide for it.

Councillor Rankin asked if the office has been approved

Mr. Dickey stated no it had not.

Councillor Rankin wanted to know if the three parking spaces related to the residential use.

Mr. Dickey stated yes.

Councillor Rankin asked that if it was just a single unit it would only require one parking space.

Mr. Dickey replied yes it is one space per unit

Councillor Rankin wanted to know if it was utility would it require two.

Mr. Dickey replied yes.

Councillor Brill wanted to know what type of business will be operated, and to what extent is being allowed for parking.

Mr. Dickey stated that it is a home real estate office that Ms. MacLean would operate.

Councillor Rankin wanted to know if the Department of Transportation had any comment in regards to Governor Drive being a private driveway.

Mr. Dickey stated that the driveway would be partially accessed from Governors Drive, the Department of Transportation had no concerns with this. The applicants have since changed the location of the driveway, it will now be entirely off of highway # 3, St. Margaret's Bay Road, which the Department of Transportation did approve. He stated there will be no change in traffic on Governor's Drive.

Councillor Rankin asked if the office would be dealt with as a separate application, the office would be pursuant to regulations.

Mr. Dickey stated that a maximum footage of 300 space for business use with one extra space provided for each 150 square feet.

Councillor Rankin asked if this would have any impact on the office in terms of the density of parking places.

Mr. Dickey stated no the R1 and R1A zones both allow for a home business, office use of this nature.

Councillor McInroy asked for confirmation that when this building permit was issued the builders were aware of the requirement to rezone the lot to accommodate two units.

Mr. Dickey stated that yes they were made aware of this when they applied for the building permit and the rezoning.

Councillor McInroy asked if they assumed that it would be forthcoming given that they went ahead and built the two units.

Mr. Dickey stated that they were told that it was not a sure thing, and that they were told to follow Municipal By-laws strictly.

Councillor McInroy asked if one of the applicants is a real estate agent.

Mr. Dickey stated yes.

Mayor Ball asked if there was ever a cease order given when the two entrances were noted.

Mr. Dickey stated that the building inspector did not have any concerns with this, he was concerned with construction that might be proceeding in the basement. The Building Inspector did request that no finish work take place in the basement, this was complied with.

SPEAKERS IN FAVOUR

Theresa MacLean stated this is the first construction she and her husband are involved in. She stated that the intention of having an office when they had two doors was just to have a separate office, the intention was not to rent it out as an apartment. She stated that in the future they might like to do that. She stated that she would like to work at home, using the office. She stated that she is active in the community of Timberlea.

Councillor McInroy asked Ms. MacLean if she lives in Herring Cove.

Ms. MacLean replied yes she lives in Herring Cove.

Councillor McInroy asked why she built the building.

Ms. MacLean stated she built it so she would be able to work, the upstairs is rented to her sister in-law, the downstairs was going to be an office. It was then decided to put in a self-contained unit.

Councillor Giffin asked if this is the first time she has built a home.

Ms. MacLean replied yes.

SPEAKERS IN OPPOSITION

Mr. Stanley Dauphinee who lives at 1618 St. Margarets Bay Road, across the road from 1627 stated he is in opposition. He stated the area is mostly R1 residential and he would like to see it remain this way. He stated that there is another application at 1610 St. Margarets Bay Road to become an apartment, he feels it is not fair to the residents to be surrounded by anything other than residential.

Mayor Ball asked Mr. Dauphinee if the property he is referring to is the property of Mr. Nicholas.

Mr. Dauphinee stated yes.

Mary Dauphinee of 1618 St. Margarets Bay Road stated that this home was built as a single family home, with clear intentions, they put two doorways in, two electrical services. She stated the building inspector discovered what they were doing and put a stop on the basement. Mrs. Dauphinee stated that as a real estate agent Ms. MacLean should have known about zoning before building. There is an ongoing appeal that will be two doors from us. The Engineering Department told us that there was only a certain percentage of this type of building that would be in the area, and that we would definitely not be surrounded by it. We do not want the houses and highway being stuck between businesses.

Mayor Ball asked Mrs. Dauphinee if she was aware that regardless of what the zoning is, even if it is left as an R1 zone, that 35 or 40% of the basement area is still allowed to be used for a home occupation.

Mrs. Dauphinee stated that yes she is aware of this. She is wondering if they could live in the house and own a business why do they want it rezoned.

Mayor Ball stated that the people who built the house are renting the house for one portion to their sister in-law and are going to use the basement as an auxiliary unit.

Mrs. Dauphinee asked that as of now, will it be a total rental unit.

Mayor Ball stated yes, and the owner will be occupying rental space downstairs.

Mr. William Swinamer who lives at 1614 St. Margarets Bay Road stated that he moved to this area because it was a quiet community. He stated that in the last 6 years this area has grown a lot. He stated that if one lot gets approved for R1A, what would stop other from getting approval. He stated that the parking is not adequate. He stated that he thinks there are already too many people in the area, and the traffic is getting worse.

Mayor Ball asked if there were any houses along the road that have three cars in the driveway.

Mr. Swinamer said no.

Mayor Ball asked if there was room in his driveway for three cars.

Mr. Swinamer replied yes.

Mayor Ball asked if there was anywhere to park on Governors Drive.

Mr. Swinamer stated there was no off street, it is a dead end. He stated that the road is not a wide road.

Mayor Ball stated that there is a R1 zone in Timberlea which does allow a percentage of homes to be converted into a R1A.

Councillor Rankin stated that the Municipal Planning Strategy of 1992 has seen only one application approved under the R1A in Ashdale, the other application was on the St. Margarets Road in the same community, which was turned down. There is an aspect that it would appear that they proceeded without a permit for the R1A and that they did this at their own risk. He stated he did not see a case to turn this R1A down under the Municipal Plan. The criteria on traffic was approved by the Department of Transportation. He stated that the community as a whole has asked for alternative housing uses. This is the third application that has come forward, one in Ashdale was accepted and one was rejected.

Councillor Brill asked Mr. Butler if it is the policy of the Nova Scotia Power Commission to inform the County whenever they are made aware that a second service is to go in, to make sure that it is zoned properly.

Mr. Butler stated that no, the policy is that Nova Scotia Power will not connect power unless the building permit has been issued.

Mayor Ball asked Councillor Brill if he might be alluding to the location of service standards coming in on the side of the building versus the front of the building, which was included in the Timberlea, Lakeside, Beechville Plan as to the way the service entrance will be brought in, instead to the front, it had to go to the side so it would not be obtrusive.

Councillor Brill stated no he was referencing Mrs. Dauphinee's statement of such services in Sackville. He stated he went to the Nova Scotia Power Commission and that they do have a policy where they must go to the County when putting in a second service. And that if it is not zoned properly it does not go in.

Mayor Ball stated that in the future we will check with Nova Scotia Power for this type of policy.

Councillor McInroy disagreed with the interpretation expressed previously with regard to the intent of the Municipal Development Plan and policy analysis. He stated there is reference made in the staff report to discretionary approval, which is afforded to Council through the rezoning process. He stated that not all applications for R1 to R1A has to be approved by Council, he stated that there are no guidelines for this. He stated that there is no reason to change the zoning to R1.

Mayor Ball asked Mr. Butler if kitchen facilities could be put downstairs without meeting fire and other regulations.

Mr. Butler stated that if the applicants do not live in the structure they cannot operate a business, this is very clear in the land use by-law.

Deputy Mayor Cooper asked what the size of the business would be.

Mayor Ball stated 300 square feet.

Deputy Mayor Cooper asked if there would be 300 square feet of business and 500 square feet empty or for some other use.

Councillor Bates stated that it would appear that all of the guidelines have been met. He stated that the residents of this area wanted this zoning. He stated he supported the application.

Councillor Scratch expressed concerns with the application concerning the applicants living in the house. The application stated that the applicants would be living in the house. Based on what Mr. Butler said she understood the applicants would be living in the upper unit, to allow for the business.

Councillor Brill stated that with R1 zoning a business is allowed as long as the owner lives in the house. Councillor Brill asked Mr. Butler if there is a home business authorized in a R1A, specifically is it in the plan.

Mr. Butler stated it is permitted.

Councillor Brill asked if the business would be a registered business.

Mayor Ball stated he assumed it would be.

Councillor Rankin asked for clarification on the applicants living in the house from Mr. Dickey.

Mr. Dickey replied that they stated this tonight.

Councillor Rankin asked if Mr. Dickey had known this before would it have changed anything. He stated that there is an unpleasant aspect which makes this process difficult to accept on the merits of the application.

Councillor Merrigan asked if the application was to put a unit in the basement. The applicant stated she may want to run a business there and eventually sell it. If a kitchen is put in, it now has another unit. What is considered occupied is not the question, the question is, whether it is considered R1A.

Mayor Ball stated that a R1A zone does not permit a home occupation unless the principle is living on the property.

Councillor Brill asked for clarification on whether they are going to run a business or have an apartment.

Councillor Brill asked for a legal opinion on what is meant by owner occupied.

Mr. Dickson stated that his understanding of the by-law was that it had to be the principle occupation, the main residents.

Deputy Mayor Cooper stated that he understood the applicant was going to live in the top portion and rent the bottom portion of the house. Therefore he feels we cannot approve this application.

Councillor McInroy stated that whether or not there is an office or business is not the subject of the hearing.

Mayor Ball stated that the applicant said they may move into the apartment in three or four years.

Councillor Bates stated the applicant may wish to respond.

REBUTTAL BY APPLICANT

Ms. MacLean stated that there was no intent to mislead, but that they did not realize they had to live there. She stated the intent was to be able to work there.

It was moved by Councillor Rankin, seconded by Councillor Bates

"THAT THIS APPLICATION BE APPROVED"

MOTION CARRIED.

3. DA-FEN-13-94-15-A1 - APPLICATION BY LANE MACDONALD TO AMEND THE PROVISION OF A DEVELOPMENT AGREEMENT FOR A COMMERCIAL FISHING OPERATION AT 324 TUCKER LAKE ROAD, IN BEAVER BANK

The staff report was presented by Tony O'Carroll who stated that the application is by Lane and Charlene MacDonald to amend the development agreement they have which Council approved last year. They are asking for a minor amendment a clause which would permit them to have as an accessory use a number of activities related to animals, a trail ride, an animal enclosure where they would keep small animals and would allow animals in to pet them and an enclosed playground. Under the original agreement they own a U-Fish Company which has been operating successfully for the last year. They feel the amendments would enhance their business by allowing children activities while their parents fish. He stated the property has two zones, a mixed use zone and an R-6 zone, both of which allow for up to ten animals. An agreement was required for the U-Fish operation, as it was deemed a commercial recreation use. Mr. MacDonald gave up his by right use for animals, and is



required to get the approval of Council to amend that agreement, in order to have the additional accessory uses. Staff sees no problem with the lot accommodating this use, or the proper disposal of any animal waste. Staff recommend that Council approve this minor amendment to the original development agreement.

Councillor Merrigan asked if the ten animals would be a problem, and how the waste was going to be properly disposed of so that it does not get into the waterways.

Tony O'Carroll stated that stiffer requirements are given, and that Mr. MacDonald is talking about small animals that children can pet. He stated that Mr. MacDonald is willing to specify a smaller number of animals and that he was talking about two mini goats. He stated that Mr. MacDonald said he would dispose of the manure in his garden. Tony O'Carroll stated that Mr. MacDonald is regularly inspected and is under licensed from the Provincial Department of Environment, and is also monitored by the Federal Department of Fisheries and Oceans.

Councillor Merrigan asked if there was any discussion with the Department of Fisheries or the Department of Environment with the petting zoo.

Tony O'Carroll stated there was not any Provincial requirement for keeping rabbits, or mini goats.

Councillor Merrigan asked if the waste from the animals would cause any damage to the fish pond.

Tony O'Carroll stated that Mr. MacDonald had animals before and this was not a problem. He stated there was no natural drainage into the ponds. The ponds get their water from the Beavercreek River which comes out at Tucker Lake. The location of the animal waste cannot get into the river.

Councillor Harvey asked if by right Mr. MacDonald could have ten animals if he did not have the fish business.

Tony O'Carroll stated that he would be required to get a development permit and then he could get up to ten animals.

Councillor Harvey asked what size of animals they could be.

Tony O'Carroll stated that it does not say the size or type of animals, the development agreement states 50 fowl or ten animals.

Councillor Harvey asked if this development agreement was entering something new into the area.

Tony O'Carroll answered no.

Councillor Harvey asked if the water quality is gauged by the Department of Environment.

Tony O'Carroll stated it is conditions of the provincial Department of Environment.

Councillor Harvey asked if they monitor water quality.

Tony O'Carroll stated he did not know what test they would do.

Councillor Giffin asked if there had been any complaints about the operation in the past.

Tony O'Carroll stated there had been no complaints until recently. He also stated there are provisions for parking but there have never been parking problems. Tony O'Carroll stated there had been no complaints until a letter was received by Cheryl D. Woodworth-McKillop.

Councillor Hendsbee asked if there would be controls put in place for spaying of the animals.

Tony O'Carroll stated that there are no controls about what animals you can have. He stated that the location is very small and there would not be room for many animals. He said Mr. MacDonald lives on the property with his family.

Deputy Mayor Cooper asked if a development permit was required.

Mr. O'Carroll said it would be if Mr. MacDonald was not under this agreement. He said Mr. MacDonald has signed away his "by right" use there. He said if Mr. MacDonald was keeping animals for agricultural reasons all he would require is a development permit.

Deputy Mayor Cooper asked if there were any conditions applied to the development permit.

Mr. O'Carroll said there were no conditions under ten animals. He said other than the land having to be 20,000 square feet in the R-6 zone. He said the size of the lot requirement may vary in different parts of the county. He said there are requirements when you go above ten animals. He said if there are more than ten animals there are more stringent setbacks required.

Deputy Mayor Cooper asked for clarification of the trail system.

Mr. O'Carroll said that was for children to have horseback rides.

Deputy Mayor Cooper asked if Mr. MacDonald could have ten horses going around the trail.

Mr. O'Carroll said he could not under the agreement.

Deputy Mayor Cooper said the agreement says that Mr. MacDonald is allowed ten animals.

Mayor Ball said it is his understanding that under the guidelines of the Department of Agriculture there has to be at least 1,000 square feet per horse.

Mr. O'Carroll said this agreement is talking small animals and perhaps council could consider using the word "small" which may relieve a lot of anxiety. He said the agreement is talking small animals that can be petted by children while the parents fish.

Deputy Mayor Cooper said he would assume that it is going to be advertised for riding trail, petting zoo etc. He asked if the impact on traffic has been considered.

Mr. O'Carroll said it is accessory to the use and staff would have to rely on reports from neighbours with regards to traffic flow. He said Mr. MacDonald could not advertise under the words "petting zoo". He said this is a U-Fish and this would only be there as an accessory to that use.

Councillor Scratch asked if it is known where the drainage will be directed.

Mr. O'Carroll said it is partly being graded. He said there is a rough parking lot outside the office. He said there is no obvious drainage down towards the fish ponds in that area. He said in Mr. MacDonald's opinion there is no drainage towards the ponds.

Councillor Scratch said she is concerned with the relation of the animal shelter to the Beaverbank River.

Mr. O'Carroll said there would not be any direct drainage. He said the area in question is very level with no obvious drainage, in that direction, that he could see. He said there is no drainage other than through the inlet culvert and the ponds.

Councillor Mitchell said Mr. MacDonald has a very well maintained property and he feels confident that Mr. MacDonald's proposal would not be detrimental in any way.

SPEAKERS IN FAVOUR

Mr. MacDonald spoke in favour of the application. He said he is owner of the property in question. He said there would be approximately five or six animals. He said these would be a sheep, a couple of ducks and a couple of rabbits. He said the main business is the U-Fish and he would not do anything to in any way affect the water quality.

Councillor Harvey asked who inspects his property.

Mr. MacDonald said it is a combination of the Department of Ocean and Fisheries, the Department of Waterworks and the Department of Environment do on site inspections. He said the fish biologist from Pictou does site visits and checks for water temperature, chemicals, bacteria growths etc.

Councillor Harvey asked if the water quality of the river was being checked as well.

Mr. MacDonald said the water quality of the river is constantly checked as well.

Councillor Harvey asked if this was a seasonal.

Mr. MacDonald said it is only for four to five months each year.

Councillor Harvey asked if there had been animals kept on the site by Mr. MacDonald previously.

Mr. MacDonald said he has kept animals on the site since 1972.

Councillor Harvey asked if there was someone on site at all times to look after the operation and animals.

Mr. MacDonald said there is.

SPEAKERS IN OPPOSITION

Rose Marie Holmes spoke in opposition to the application. She said she has concerns with regards to the petting zoo. She said her biggest concern is with regards to the environment. She said there is a lot of traffic in the summer months. She said one of the concerns is what is going to happen with the animal waste. She said they don't want to see their homes devalued. She said at least fifty percent of the homes get their water from the lake.

Councillor Giffin said the drainage from this property is away from Tucker Lake not to it.

Councillor Merrigan asked if the horse, presently on the property, causing any problems.

Ms. Holmes said she cannot say that it has.

Councillor Merrigan said that if this is approved some stipulation can be put in the development agreement in support of control over the animal waste.

Councillor Brill asked what other kinds of animals are in the area.

Ms. Holmes said there are dogs, ducks, etc.

DECISION OF COUNCIL

Councillor Merrigan said he can support this development agreement if there is some control with regards to size of animals. He said there is trouble with animal waste and he would like to look at some sort of control.

Mr. O'Carroll said that he does not see any problem with adding "small" in the animal description. He said with regards to other controls it would be contrary to the original agreement and would constitute a large change.

Mr. Dickson said he would agree with Mr. O'Carroll. He said he does not see any difficulty with adding the word small but anything beyond that would be a major change which would require re-advertisement and another public hearing.

Councillor Merrigan asked if the solicitor could recommend any changes that could be put in that another public hearing process would not have to take place but would afford some protection.

Mr. Dickson said in paragraph 4 of the amendment there is some protection in place.

Councillor Giffin said that Mr. MacDonald's fish ponds are his main source of revenue and he does not see him doing anything in any way to cause harm to this operation.

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

"THAT THE APPLICATION BY LANE MACDONALD TO AMEND THE PROVISIONS OF A DEVELOPMENT AGREEMENT FRO A COMMERCIAL FISHING OPERATION AT 324 TUCKER LAKE ROAD, IN BEAVERBANK, BE APPROVED. FURTHER THE WORD "SMALL" BE INCLUDED IN THE DESCRIPTION OF THE TYPE OF ANIMALS"

Councillor Bates said he is not in agreement with this. He said people pay a lot of money for their properties and do not need to have a zoo around.

Mayor Ball asked if all the properties in that area are zoned R-6.

Mr. O'Carroll said the other half of Mr. MacDonald's property is zoned mixed use. He said the R-6 is all the way along Tucker Lake Road except for half of Mr. MacDonald's property.

Mayor Ball said that it is his understanding that under an R-6 zone you can have animals and, if the property owners so choose, this can be all along the road.

Mr. O'Carroll said this was correct.

Councillor Hendsbee said his only concern is with regards to waste. He said he feels there should be something that would help with this problem.

Councillor Merrigan said he is supporting the application because everyone on this street, by zone, have the right to have ten animals. He said the people put the zone on these properties. He said it is a residential street and he sees no choice but to support the agreement.

Mayor Ball said there was a letter received from Bernie Scott in support of the application. He said a letter was also received from Cheryl D. Woodworth-McKillop expressing some of her concerns.

MOTION CARRIED

RA-FEN-13-94-18 - APPLICATION BY ARMOYAN PROPERTIES LTD. TO REZONE APPROXIMATELY 550 ACRES OF LAND LOCATED TO THE WEST OF LONG LAKE OFF THE HAMMONDS PLAINS ROAD FROM MR-1 (MIXED RESOURCE) ZONE TO R-1 (SINGLE UNIT DWELLING) ZONE

Mr. Bill Butler made the staff presentation. He said the application is to rezone approximately 400 acres of land from MR-1 to R-1. He said the reason for the rezoning is to institute minimum lot size standards of 20,000 square feet as opposed to the 80,000 square foot minimum lot size which currently exists under the present zone. He said these land constitute the last of the Kingswood on the Lakes/Kingswood West Developments which in total have created approximately 500 lots to this point in time. He said except for Phase 8B most of the Kingswood development is included within a water service district and is designated for residential purposes. He said Phase 8B will be different from the rest of the Kingswood development in that it will not have central water nor will the streets be paved.

He said the Armoyan Group has had a consultant prepare a subdivision plan which has very carefully analyzed the actual site characteristics of the 400 acres with a view to creating the most environmentally sensitive development possible. He said staff would concur that this objective has been achieved and that a better overall development has resulted than might have otherwise have been the case. The porous lands will not be developed within the area and one of the other major factors is that there will be a thirty two acre school site/community park provided within the development. He said another significant result is that the total number of lots within the new subdivision plan, will be less than that which could occur by right under the present MR-1 zone. He said the current subdivision plan shows 150 lots whereas a previous tentative subdivision application showed 158. He said it is probably this latter factor which in particular has been the determining one in leading to a positive staff recommendation relative to this rezoning. He said when the proposal is evaluated

against all the policy criteria of the plan, there appears to be actually little to be gained by denying the rezoning since the developer has as much, if not more rights, under current zoning.

He said staff have concluded that although the basic intent of the resource designation is to discourage or limit residential development, the minimum lot size of 80,000 square feet really doesn't do that given that in this subdivision the average size is somewhere in the order of 50,000 square feet. He said staff recommends that immediate consideration be given to increasing that minimum lot size within this particular zone to five acres so as to more clearly be in line with the intent to discourage residential development and to require rezonings. He said although there is no legal requirement that the proposed subdivision be instituted if the rezoning is approved, staff believe that there has been a study done to prove that it is feasible and would have no reason to believe that it will not proceed if council approves the rezoning. He said the report offers a conditional recommendation. He said there is currently an appeal before the Nova Scotia Municipal Board with respect to the initial tentative subdivision application which, if it were approved, the Board would likely order the development officer to approve that subdivision plan. He said it was the opinion of staff that that particular appeal should be withdrawn. He said it is his understanding that the developer will withdraw it pending approval of council.

QUESTIONS FROM COUNCIL

Councillor Hendsbee asked if the roads would be built to "J" class standards. Mr. Butler confirmed this.

Councillor Hendsbee asked what the width of these roads would be. Mr. Butler said it is his understanding that it would be a six foot width.

Councillor Merrigan asked if council was being asked to change MR-1 zones to five acres. Mr. Butler said it is staff's suggestion that that is something that should be immediately considered to increase the minimum lot size from two acres to five. He said their conclusion is that if they were to receive another rezoning it would be equally difficult because your minimum lot size and the actual lots created are so close it doesn't serve to be the deterrent that you would like.

Councillor Bates asked if the Department of Health has to give approval on each of these lots individually. Mr. Butler said even the portions that have central water have been approved with on site sewage disposal systems.

Councillor Bates asked if 20,000 square feet was considered sufficient. Mr. Butler said based on previous phases they would anticipate 50,000 square feet.

Councillor Bates said even though the R-1 calls for 20,000 square feet the actual design here is for 50,000. Mr. Butler confirmed this. He said it is based on what Health will give you.

Mayor Ball asked if there was any intention to put in any form of a centralized water system such as a well to deal with several properties. Mr. Butler said it was his understanding that there would be individual wells.

Councillor Bates asked if this was contrary to water service districts. Mr. Butler said a lot of other development in this area is on wells. He said there may be a demand later on for central water. He said he would not assume that this area would be any different than any other area with wells.

Councillor Bates said there are instances where there are wells and then central water has to be brought in to provide the people with water when they run into problems.

Mr. Butler said the water districts are established where the County is prepared to extend central water. He said there is still no significant limitation on development with wells and septic systems.

Councillor Merrigan asked if this area was within the water serviceable area. Mr. Butler said it was not.

SPEAKERS IN FAVOUR

Margot Cantwell, EDN Environmental Design and Management addressed council. She said they are consultants to the Armoyan Group. She said this subdivision plan was designed to be in conformance with the MPS. She said the developer currently has rights on this, as of right development, which he can proceed with on this property which would yield him 158 lots. She said the developer has no intention of increasing the lots with this rezoning application. She said the reason for the rezoning application is to implement a master plan.

She said there was a significant site investigation that occurred when the land was looked at. She said they were trying to find the best place on this property to put 158 lots and one of the primary criteria was based upon the soil carrying capacity. She said they looked at what would be the best place for open space. She said there are two large open space parcels in this subdivision plan. She said another site is the ravine. She said the rezoning would legally allow Mr. Armoyan a 20,000 square foot lot but in reality that has never occurred in Kingswood. She said over 150 test pits have been dug on this particular property to date. She said the lots will be 50,000 square feet or larger. She said the rezoning allows them to implement a master plan. She said Mr. Armoyan can yield 158 lots from this property but to do so under the current



zoning would mean to scatter the lots throughout the entire parcel. She said it would negate the ability to provide the open space. She said Mr. Armoyan is committed to this plan. She said the road contract has been awarded for Phase 8B-1 and it is following the configuration of the master plan.

SPEAKERS IN OPPOSITION

No speakers in opposition.

DECISION OF COUNCIL

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

'THAT COUNCIL APPROVE THE REZONING FROM MR-1 TO R-1"

MOTION CARRIED

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

"THAT THE MUNICIPALITY IMMEDIATELY CONSIDER AN INCREASE IN THE MINIMUM LOT AREA PERMITTED UNDER THE MR-1 ZONE TO FIVE ACRES"

MOTION CARRIED

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

"THAT THE MUNICIPALITY'S OBJECTIVES FOR THE AREA CURRENTLY DESIGNATED AS LOCAL RESOURCE BE RECONSIDERED IN THE UPCOMING PLAN REVIEW PROCESS FOR PLANNING DISTRICTS 15, 18 AND 19"

MOTION CARRIED

ADJOURNMENT

It was moved by Councillor Mitchell:

"THAT THE MEETING BE ADJOURNED"

MOTION CARRIED

PUBLIC HEARING

January 23, 1995

PRESENT WERE: Mayor Ball  
Councillor Meade  
Councillor Rankin  
Councillor Fralick  
Councillor Mitchell  
Councillor Bates  
Councillor Hendsbee  
Councillor Levy  
Councillor Dooks  
Councillor Smiley  
Councillor Reid  
Councillor Merrigan  
Councillor Brill  
Councillor Giffin  
Councillor Hache  
Councillor Scratch  
Councillor Harvey  
Councillor Sutherland  
Councillor Turner  
Councillor McInroy  
Deputy Mayor Cooper

ALSO PRESENT: Nancy Dempsey Crossman, Municipal Clerk  
Fred Crooks, Municipal Solicitor  
Julia Horncastle, Recording Secretary

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

Mayor Ball outlined the procedure to be followed for a public hearing.

ADOPTION OF THE REVISED MUNICIPAL PLANNING STRATEGY AND LAND USE BY-LAW FOR PLANNING DISTRICTS 1 AND 3

Ms. Susan Corser made the staff presentation. She said the MPS and Land Use By-law was first adopted six years ago in August of 1988. In order to ensure that the policies and regulations of these documents reflect current community interests, Halifax County initiated a plan review program in May, 1994. In order to gather valued community input, the Department of Planning and Development distributed a synopsis of the existing plan policies and the regulations to every household within the plan area in April, 1994. Staff then hosted four open house sessions at various locations throughout the plan area in May and these were to respond to questions and receive public input. These open

house sessions were advertised in the Mail Star. Following the open houses, a public meeting was held on May 12th at the Tantallon Junior High School. This was hosted by the Municipal Planning Advisory Committee.

Following the public meeting the Municipal Planning Advisory Committee reviewed and made recommendations of all of the public requests which had been received during that public input process. Throughout the plan review process the PAC received a total of 33 public submissions. Some of the submissions confirmed continued support for existing policies which were already contained in the planning strategy. The amendments that either enhanced or did not recognize the overall objectives of the strategy have been accommodated.

She said there are no proposed changes to the Subdivision By-law as a result of this plan review process. One of the most substantial changes proposed is the creation of the new Mixed Resource 2 zone within the Resource designation. The new zone is applied to all lands within the resource designation located to the North of Highway 103. The new zone is identical to the existing MR-1 zone which will continue to apply in the other areas of the Resource designation, primarily in District 3. The new zone will require a larger than minimum lot size of 100,000 square feet. The existing lot size is 20,000 square feet. The new larger lot size is intended as a mechanism to protect these resource lands and to promote resource development and recreational uses and the protection of the natural environment as provided for within the existing Resource designation.

She said while the plans intention to protect potable water supply and natural resources within this area was stated within the original plan, the application of minimum lot size of 20,000 square feet is no longer effective in these communities. This is evidenced by the large scale residential development beginning to penetrate the Resource designation. She said she is speaking of the Westwood Subdivision in Tantallon behind the Sobey's shopping mall. The 100,000 square foot minimum lot size will allow for a reasonable level of development and should smaller lot sizes be desired, the development agreement mechanism would be used to address matters of scale, transportation related issues, servicing and the protection of water resources and environment. The proposed policy RE-5 outlines the specific criteria under which the development agreement would be considered. A second policy affecting the protection of watercourses within the Resource designation is found in the draft. She said this new policy RE-9 would require a minimum building setback of 100 feet from lakes and streams within a resource designation as it applies to the area North of Highway 103 until such time as an assessment of water resources can be conducted to determine the extent and nature of any water problems in this area. The requirement for the assessment of water resources is an existing

policy that was approved in the original plan.

A second amendment contained in the MPS relates to the matter of solid waste disposal. This proposed amendment would effectively remove the existing Policy P-7 which states that garbage dumps, sanitary landfills, hazardous materials storage sites or hazardous or waste disposal sites are to be prohibited within the plan area. The revised policy P-14 would support council's intention to make available to the general public and all residents in Planning Districts 1 and 3 all the information details related to the development of Halifax Metropolitan Regions next solid waste management plan and landfill. It also encourages the participation of all stakeholders in the consultation process which forms the basis of the Municipality's acceptance of responsibility for solid waste management.

The third amendment in the MPS deals with Bed and Breakfast establishments in areas within the residential designation. Bed and Breakfast establishments would now be permitted to contain up to three bedrooms for overnight guests. The Bed and Breakfast would have to be operated by the principal resident of the dwelling in which the business was located.

A fourth amendment also applying in the Residential designation deals with keeping of horses for personal use. The proposed amendment would allow council to consider a new Residential Estates zone. The new zone requires minimum lot sizes of 100,000 square feet in order to allow for the horses for personal use. This would not be for commercial purposes such as boarding or breeding.

The fifth amendment pertains specifically to existing provisions under which council may now consider marinas. The development agreement contains provision under which marinas may currently be considered within a mixed rural residential designation. The mixed use designation would be amended to require that sewage pump out facilities be provided for marine craft. This would be a new provision that council would have to look at if they were going to consider development agreements for a marina.

The sixth amendment to the Land Use Policy deals with the location and operation of crematoriums. The new policy, MU-11, would require that crematoriums be developed by development agreement with specific provisions that the development comply with applicable regulations pertaining to bio medical waste incineration.

She said two new policies are proposed within the existing transportation section of the plan. The first policy addresses pedestrian and vehicular safety concerns by encouraging the department of transportation to examine safety matters and to look at the installation of traffic control measures where

necessary. The second policy deals with road design and layout. It encourages the development of a rational and efficient local road system to address safety and traffic flow issues.

A new education section is being proposed which contains four policies. The new policies address school construction and require population monitoring and the monitoring of new development to plan for new schools and the upgrading of existing schools. New schools would be encouraged in areas adjacent to parkland, open spaces and other community facilities.

A new recreation section has been added which addresses two issues. The proposed policy gives consideration to the acquisition of lands abutting the East side of St. Margaret's Bay for public recreation purposes provided that such acquisition is not funded through an area rate. The second policy supports the investigation of options for the future use of the railway right of way as a recreation corridor.

The proposed changes to the Land Use By-law are primarily for clarification and ease of implementation. New definitions are proposed in part two for Bed and Breakfast, boat houses, cemeteries, business uses, crematoriums, grocery stores, hotels, kennels, mobile dwellings, motels, outdoor display courts, variety stores, and warehouses. These new definitions have been developed, by staff, with the development officer to improve administration and interpretation of the By-law as it would apply to these uses. In some cases these definitions don't apply or have been amended. Regulations for facial wall signs are proposed which would limit the size of these signs. As it presently stands the size of the wall sign is unregulated. Section 5.8 of the Land Use By-law would specify that facial wall signs shall not exceed one square foot per lineal foot of wall space and in no case shall such a sign exceed 100 square feet per commercial business.

The R-1, RA, RA-1 and R1-E zones will now contain specific development standards for Bed and Breakfasts. The new R1-E (residential estate) zone is similar to other residential zones except the zone would allow for the keeping of horses. The zone would be considered by rezoning. It specifies that the lot must have a minimum size of 100 square feet and the building for the horse can be no larger than 750 square feet. The building for the horse would have to be a minimum 100 feet from any well except the well of the dwelling on the same lot and be 300 feet from a watercourse.

The proposed MR-2 (mixed resource) zone would increase the minimum lot size to 100,000 square feet. Planning Advisory Committee reviewed the list of existing uses of businesses that were in existence when the plan was approved and didn't necessarily fit into a specific zone and it was agreed that any

business which is no longer operating from these list would now be deleted. Under Appendix B of the Land Use By-law the MacKenzie Craft Shop and the Densmore Cabinet Making have been deleted.

QUESTIONS FROM COUNCIL

No questions from council.

SPEAKERS IN FAVOUR

Ms. Berit Pittman spoke in favour of the application. She said there had been a concern with regards to the environment and a landfill site. She said they are concerned about the wildlife in the plan area. She said the MR-2 zone is a compromise and that is why they are asking for lot sizes of 100,000 square feet. She said there is a need to establish careful consideration for the environment combined with a slow planned development.

SPEAKERS IN OPPOSITION

Jane Earl, Stillwater Lake, spoke in opposition. She said she does not have an objection to the overall plan as presented. She said her property borders the Petrofina station. She said she purchased her property in the early 1970's and were shown a map and told by the County and by the Department of Highways that there would always be an access into her property. She said she now owns approximately eleven acres and upon review of the proposed plan discovered the access had been written out of the plan. She said she would like to ask the County to reconsider the plan and to make sure that there is access into her property. She said the number of her property is 644335. She said she had moved away and expected to be notified when changes were made. She said she moved back in 1988 and discovered they had not been informed about the plan that changed in 1988.

Councillor Fralick asked if Mrs. Earl had discussed this issue with staff prior to tonight's meeting.

Mrs. Earl said yes and was told basically that there was nothing she could do about it.

Councillor Bates asked Mrs. Earl to confirm that she had access to her property under some other plan prior to 1988.

Mrs. Earl said she had been shown highway maps, here in the county building and also at the Department of Highways, that showed access across her property. She said they were told at that time that the county would never place a piece of property in a landlocked position.

Councillor Bates asked who owned the property she has to cross in

order to get to her land. Mrs. Earl said it is her understanding that Food City owns it.

Councillor Bates asked the solicitor if there was any way of correcting this situation.

Mr. Crooks said it is a civil matter and may not be something that is determined by the plan. He said he does not have all the information and is not sure exactly what the issue is. He said if it is a straight question of whether or not you have access to a lot then that is a function of what entitlement you have civilally.

Mayor Ball said there use to be something at one time that if you had a piece of property behind crown land the crown would have to provide you with a right of way.

Mrs. Earl said when they investigated before buying the property they were told by the county and confirmed with the Department of Highways that they would have access.

Councillor Mitchell asked if the property borders the new station being built. She confirmed this.

Pat Swim addressed council. She said there are two points she would like to have included in the plan. She said the first point is that if any land is used as boat storage facility the operators of that particular business must have any sail boat masts and rigging taken down during winter storage months. She said they would suggest that any development agreements in districts 1 and 3 should be reviewed every three or four years so as to amend nay unforeseen difficulties among the developer, the county and the surrounding property owners so that the development plan is not a done deal.

Mayor Ball said if there is a development agreement that is a contractual agreement between the Municipality and the party involved. He said it is his understanding that unless they are in breach of that contract there are no changes unless it is forthcoming from them requesting the change. He said the county can't review the development agreement but can only review as to whether or not the contract has been broken. He said that may be possible to have included in new development agreements but the county can't revisit a current development agreement.

Councillor Fralick asked if this would be a minor or major amendment to the plan.

Ms. Corser said in terms of the first item, no where in districts 1 and 3 is a marina permitted by right. It has to proceed by development agreement and the two that have been done to date that issue is dealt with that the lines have to be secured etc.