



**NORTH WEST PLANNING ADVISORY COMMITTEE
MINUTES
September 2, 2015**

PRESENT: Ms. Ann Merritt, Chair
Mr. Kevin Copley
Mr. Brian Murray
Mr. Ross Evans
Councillor Tim Outhit – District 16
Councillor Matt Whitman – District 13

REGRETS: Mr. Evan MacDonald
Mr. Paul Russell, Vice Chair

STAFF: Mr. Andrew Reid, Legislative Assistant
Ms. Erin MacIntyre, Planner
Ms. Stephanie Norman, Planner
Mr. Shayne Vipond, Senior Planner

The following does not represent a verbatim record of the proceedings of this meeting.

The agenda, supporting documents, and information items circulated to the North West Planning Advisory Committee are available online: <http://www.halifax.ca/boardscom/NWPAC/150902nwpac-agenda.php>

The meeting was called to order at 7:02 p.m. and adjourned at 8:35 p.m.

1. CALL TO ORDER

The Chair called the meeting to order at 7:02 p.m.

2. APPROVAL OF MINUTES – August 5, 2015

Moved by Mr. Murray, seconded by Mr. Evans

THAT the minutes of August 5, 2015 be approved as circulated. MOTION PUT AND PASSED.

3. APPROVAL OF THE ORDER OF BUSINESS AND APPROVAL OF ADDITIONS AND DELETIONS

8.1 Mr. Murray

Moved by Councillor Outhit, seconded by Mr. Evans

THAT the order of business be approved as amended. MOTION PUT AND PASSED.

4. BUSINESS ARISING OUT OF THE MINUTES

5. CONSIDERATION OF DEFERRED BUSINESS – NONE

6. CORRESPONDENCE, PETITIONS & DELEGATIONS

6.1 Correspondence

6.2 Petitions

6.3 Presentation

7. REPORTS

7.1 STAFF

7.1.1 Case 19965: Application by Atlantic Gardens to amend the Sackville Land Use By-law to include Gas Bars as a permitted land use in the C-2A (Minor Commercial) Zone, specifically at 1620 Sackville Drive, Middle Sackville.

The following was before the North West Planning Advisory Committee:

- *A staff memorandum dated August 14, 2015*

Ms. Erin MacIntyre presented Case 19965 as described in the memorandum dated August 14, 2015. She stated that at this point in the process, she was looking for feedback on the issues relative to the gas bar functioning in the zone on the property.

Regarding the requirement of a turning lane from Wilson Lake Drive, Ms. MacIntyre responded that the lane had been required as part of phase 1 and was deferred to phase 2 of the process.

In response to the question of who would be required to pay the cost of the turning lane, Ms. MacIntyre responded that it would be whoever applied for the building permit; she also highlighted that the developer had remained the same through phases one and two. Ms. MacIntyre stated that the final comments by the development engineer on the turning lane were forthcoming; however, she understood

the turning lane would be a requirement. She highlighted that the engineer would give approval only if the current traffic concerns were mitigated.

Moved by Mr. Copley, seconded by Councillor Whitman,

THAT the North West Planning Advisory Committee has reviewed the application for Case 19965 and recommends approval of the application as outlined in the memorandum and attachments package dated August 14, 2015 with consideration to the following matters:

- **That an added turning lane be implemented as a condition to development.**

Ms. MacIntyre stated that a dialogue could be established with the development engineer regarding this consideration, although no tool was present to implement the change through the land use bylaw as-of-right process. The Committee recognized that the turning lane could not be conditional at Council, but nonetheless indicated that the issue be kept on file and that the lane be implemented before the permit is issued.

MOTION PUT AND PASSED.

7.1.2 Case 19860: Application by KWR Approvals Inc. is seeking to enter into a Development Agreement for an equestrian farm at 30 Salto Drive, known as Memento farm.

The following was before the North West Planning Advisory Committee:

- *A staff memorandum dated September 2, 2015*

Ms. Stephanie Norman presented Case 19860 as described in the memorandum dated September 2, 2015. The Chair opened the floor to questions from the Committee.

Ms. Norman responded to the following questions.

- Regarding manure management and potential leachate, Ms. Norman stated that manure guidelines by the department of agriculture were currently being reviewed as well in terms of leachate.
- Ms. Norman confirmed that Salto Drive is a private road. She responded that staff was determining whether a commercial use would be appropriate for the property, including how vehicles from Memento Farm would enter Lucasville Road.
- Ms. Norman confirmed that the site is currently operating out of the requirements of the Land Use Bylaw (LUB). She stated that the exercise would be to determine if the property can be legalized.

The applicant requested to provide information to the Committee. The Committee agreed to hear the applicant after an initial question and answer period.

Mr. Copley requested more information regarding the development's current operation and conformance with the LUB. Mr. Shayne Vipond, Senior Planner, highlighted the history of the site stating that a development permit was issued for an agricultural use in 2002. He stated that a number of functions in land use have since been added and intensified since then to warrant consideration of the site as commercial recreational.

Mr. Copley voiced disapproval for the application, stating that the community had issue with the size of the operation. He questioned if the application was denied would the farm be required to scale back its size and operation. Ms. Norman confirmed that this would be required to bring it back into conformity as an agricultural use.

Mr. Evans stated concern for manure and commented that the pile should be covered and drainage provided to a cement pond, with removal on a monthly basis. He also stated concern for the potential of contaminates in the manure leaching into the soil.

Mr. Murray highlighted information arising from the public information meeting (PIM) held on July 22, 2015. He highlighted that at the PIM, the property owner had been under the impression that their use was compliant with regulations because they were being charged a commercial tax rate. Mr. Murray stated that the property owner's statements were unconfirmed and therefore requested more information. He highlighted a number of reasons why the community has expressed disapproval for the application

Councillor Outhit stated concern regarding the commercial rate. He also questioned if any additional buildings had been constructed or permits had been issued since 2002. Ms. Norman responded that there were not; however, an application for an addition to the barn had been refused in 2014.

Councillor Whitman echoed concern regarding commercial taxes.

Mr. Will Robinson-Mushkat, KWR Approvals, made a presentation in response to a number of questions raised by the Committee. He stated that the farm was established in 2002 and was deemed at the time by HRM to be an agricultural operation. He stated that the farm has offered equestrian services such as boarding of horses, day camps, lessons and 4-5 events per year on the site. He stated that in 2014, the farm requested a permit for an addition to the existing barn, and upon review by a development officer it was determined that Memento Farm was no longer an agricultural use but was determined to be functioning as a commercial recreational use. Mr. Robinson-Mushkat displayed a site plan of the farm, drawing attention to locations of the manure pile and vegetation buffers. He stated that all issues raised at the public information meeting would be addressed.

- Regarding animal waste, he stated that the owners are willing to follow through with construction of a concrete pad and enclosed facility for animal waste, which would be subject to inspection from the Department of Environment.
- Regarding Salto Drive, he stated it was a private driveway owned by Memento Farm. He stated 5 properties had access easements on Salto Drive, and the Farm recognized that Salto Drive could use improvements. He stated that the owners were willing to donate the road to HRM, provided all those with access easements contributed to meet the standards of a public roadway.
- In terms of traffic, a Traffic Impact Statement was completed, which concluded that stop sighting distances at the intersections of Salto Drive and Lucasville Road were satisfactory and 8-10 vehicle trips were generated by the Farm and with the addition to the existing barn an extra 3 vehicles per day could be anticipated. In addition, with the one-off events, additional vehicle traffic on the weekends could be expected.
- Regarding rodents, Memento Farm has contracted a pest control company since 2008 to ensure there are no rodents on site. He highlighted that zero rats have been found on the farm.
- In terms of events, he highlighted that Memento Farm hosts 4-5 single day equestrian events per year on weekend days between 9 a.m. and 5 p.m. and that the events used loudspeakers to make announcements. He stated that as part of the development agreement application, the Farm would ensure that speakers were located in a way to mitigate disturbance of neighbouring properties and remain in compliance with noise bylaws.

Councillor Outhit requested a response to the presentation be made by staff, which would also address forthcoming information from the Department of the Environment. Councillor Outhit requested more information regarding commercial tax charges. Mr. Vipond responded that more information could be sought regarding this matter and there were instances in other rural areas where there was a disjuncture between the tax structure and the land use zone. Nevertheless, Mr. Vipond stated that the Committee and Council are guided by the principles of the Municipal Planning Strategy in terms of evaluating the proposal.

The Committee agreed that more information was required before they could make a recommendation. Mr. Vipond stated that if the Committee deferred the case, staff could return with more information in two months.

Councillor Whitman questioned who the neighbour was in the back corner of the property. Mr. Vipond highlighted he could return with information regarding the ownership of this property.

Mr. Copley questioned, given the concerns regarding manure and waste, how large the expansion in operations would be. Mr. Vipond stated that that threshold and the scale of the operation were important and would be under serious consideration by staff.

The Chair commented that few of the concerns were being met by the application. She questioned if there was a mechanism outside of a development agreement approach where the site might be shut down if the proper guidelines were not met, as the effect on the community was a large one.

Councillor Whitman requested if other staff departments such as bylaw enforcement had been out to the site dealing with complaints related to odour or noise. He stated that the owner expressed that he was unaware of any concerns by neighbours.

Mr. Copley questioned how many horses would be allowed on the premises given the current use. Mr. Vipond responded 10 horses, however, it would depend on the intensity and mixture of other uses.

The Legislative Assistant advised regarding the role of the Committee in commenting early on in the applications process in making recommendations to Community Council. The Committee indicated more information was required before they could make a decision and agreed to defer the matter.

Moved by Councillor Outhit, seconded by Councillor Whitman

THAT the matter be deferred for two months pending additional information provided by staff.

MOTION PUT AND PASSED.

Mr. Vipond introduced Mr. Ben Sivic, Major Projects Planner, to the Committee.

8. ADDED ITEMS

8.1 Mr. Murray

The Committee held a discussion regarding the Planning Advisory Committee in terms of information received and its role early on in the application process. Mr. Murray highlighted that the PAC ought to create more conditions when making their recommendation. Mr. Murray also raised questions regarding the implementation of traffic impact statements through development agreements. Councillor Outhit specified that direction given by Council cannot be ignored by staff; whereas the advice given by the PAC only formed part of Council's consideration. The Committee held a discussion regarding their recommendation made to Community Council and in what form it was communicated. The Legislative Assistant stated that a memorandum containing the PAC's recommendation would always accompany the staff report to Community Council.

9. DATE OF NEXT MEETING – October 7, 2015

10. ADJOURNMENT

The meeting adjourned at 8:35 p.m.

Andrew Reid
Legislative Assistant