

8.1.1



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Western Region Community Council
July 26, 2010

TO: Chair and Members of Western Region Community Council

SUBMITTED BY:



Paul Dunphy, Director of Community Development

DATE: June 30, 2010

SUBJECT: Case 15910: Rezoning - Moody Lake, Williamswood

ORIGIN

HRM staff-initiated application.

RECOMMENDATION

It is recommended that Western Region Community Council:

1. Give First Reading to the rezoning of PIDs 40071177, 00648493, and 00648501 located on the western shore of Moody Lake in Williamswood from the PA (Protected Area) Zone to the R-2 (Two Unit Dwelling) Zone, as identified in Attachment A of this report, and schedule a public hearing; and
2. Approve the rezoning of PIDs 40071177, 00648493, and 00648501 located on the western shore of Moody Lake in Williamswood from the PA (Protected Area) Zone to the R-2 (Two Unit Dwelling) Zone, as identified in Attachment A of this report.

BACKGROUND

Proposal

This case proposes the rezoning of three adjoining lots on the western shore of Moody Lake in Williamswood from the PA (Protected Area) Zone to the R-2 (Two Unit Dwelling) Zone. These lots are owned by the Nova Scotia Nature Trust and identified as PIDs 40071177, 00648493, and 0064850.

The Properties

The following information provides general background on the subject lots:

- located on the western shore of Moody Lake (Map 1);
- created in 1966 and remain undeveloped;
- each lot contains approximately 20,000 square feet of area;
- each lot has no public road frontage;
- owned by Nova Scotia Nature Trust (NSNT) since 1997;
- zoned PA (Protected Area) by the Planning District 5 Land Use By-law (LUB);
- designated Residential by the Planning District 5 Municipal Planning Strategy (MPS).
- designated Rural Commuter Designation by the Regional Municipal Planning Strategy (RMPS).

The General Area

The following information provides general background on the area surrounding the subject lots:

- several adjacent lots are undeveloped;
- a single unit dwelling is located directly west of the subject lots,
- other dwellings are located west of the subject lots;
- the predominant zoning is R-2.

Zoning History

Along with the adoption of the RMPS in 2006, the PA Zone was created and incorporated into many of the Municipality's Land Use By-laws. In many cases, land owned by conservation organizations was rezoned to PA, including the subject lots. A fourth lot, which is located immediately south of the subject lots, is also owned by the NSNT. Although this fourth lot was conveyed to the NSNT in 2006, prior to the adoption of the RMPS, the lot was not rezoned PA.

Prior to the adoption of the RMPS, the subject lots were zoned R-2. Municipal records indicate the lots, as well as the majority of land in the immediate area, was zoned R-2 when the MPS was first adopted in 1988, and also after re-adoption following MPS review in 1994.

Intent of the Owner

In April of 2008, the NSNT informed the Municipality their intent was not to permanently steward the subject lots as conservation lands. Subsequently, staff have initiated a planning process to consider re-establishing the previous zoning.

DISCUSSION

Regional Plan Policy Intent

Policy E-6 of the RMPS gives the Municipality the ability to consider applying the PA Zone, provided certain criteria is satisfied. In particular, policy E-6 only permits the PA Zone to be applied to certain types of land located within the Open Space and Natural Resource (OSNR) designation (Attachment B).

Preamble to Policy E-6 explains how a natural corridor's size and continuity plays in contributing toward the overall connectivity of natural landscapes, which in turn plays a critical role in reducing the loss of native flora and fauna caused by development practices. This preamble also explains that the protection of isolated blocks of habitat will not adequately protect wildlife (Attachment B).

Community Plan Policy Intent

Policy RES-2 of the District 5 MPS states it shall be the intention of Council to establish a two unit residential zone in the Residential designation (Attachment C). Essentially, this policy establishes the R-2 Zone as the base zone within the Residential designation.

Current Conflict with Plan Policy

Although the subject lots were rezoned PA though the adoption of the RMPS, their location outside the OSNR designation, and their long standing history within an area designated for residential development, indicate the PA Zone is inconsistent with plan policy. Further, the RMPS explains the PA zone can be applied to land owned by private conservation organizations, provided the land is a conservation related property. As the NSNT has indicated they do not intend to permanently conserve the subject lots, the PA Zone is not consistent with the RMPS.

Potential Development

At the public information meeting (PIM) (see Community Engagement section of this report), concern was expressed related to potential two unit residential development on the subject lots, while other concern was expressed with any form of future development. Although the R-2 Zone permits single and two unit dwellings, the Municipality could not entertain a development permit without approval of an on-site sewage disposal system from Nova Scotia Environment. Given the subject lots are approximately 20,000 square feet each, on-site sewage approval and construction for a two unit dwelling would likely be a challenging and expensive exercise since NS Environment typically requires waterfront lots contain a minimum lot area of 40,000 square feet for a **single** unit dwelling..

When the lots were created in 1966, the access to them was to be via Moody Lake. Although the lots are located near the end of Brans Way, which is a private driveway created through easement, it appears the subject lots do not have the deeded right to use Brans Way. Issues related to access would need to be addressed by the property owner prior to undertaking development of the lots.

Water Quality

At the PIM, concern was also expressed regarding potential negative impact of further residential development on the existing health of Moody Lake. In 2008, planning staff evaluated an application

to rezone 4.5 acres of land on the south-western shore of Moody Lake, referred to as Case (01061). In response to resident concern raised in relation to Case 01061, HRM's Manager of Environmental Performance reviewed the existing 1997-98 water quality data for Moody Lake and conducted additional water sampling in November of 2007. A summary of that review was provided in the staff report for Case 01061 (Attachment E).

Further to this case, comment was sought from HRM's Environmental Performance Officer (EPO), who has indicated the water quality within Moody Lake is well within the range of the other 70 lakes within HRM's water sampling program. The EPO's complete comments are provided as Attachment F.

Watershed Advisory Board

As the proposed rezoning is a matter of properly implementing MPS policy, formal comment from the Halifax Watershed Advisory Board (HWAB) for technical concerns was not sought by staff. However, on June 16, 2010, an information memo was tabled with the HWAB, which provided information related to water quality testing at Moody Lake (Attachments E and F).

Conclusion

Given the subject lots are located within an area historically designated and zoned for residential development, their current zoning is not in keeping with the intent of the District 5 MPS. Further, as the subject lots are located outside of the OSNR designation, and given the NS Nature Trust does not intend to permanently steward these lots, the current zone is not in keeping with the intent of the Regional MPS. Accordingly, it is recommended that Western Region Community Council approve the rezoning of the subject lots back to the R-2 Zone.

BUDGET IMPLICATIONS

The HRM costs associated with processing this planning application can be accommodated within the proposed 2010/11 operating budget for C310 Planning & Applications.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Project and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Project and Operating reserves, as well as any relevant legislation.

COMMUNITY ENGAGEMENT

The community engagement process incorporated with this case is consistent with the intent of the HRM Community Engagement Strategy. Community engagement included public consultation, which was facilitated through a public information meeting (PIM) held on April 21, 2010. A public hearing must be held by Council before they can consider approval of any amendments.

For the PIM, notices were posted on the HRM website, in the newspaper, and mailed to property owners within the notification area shown on Map 2. Attachment E contains a copy of the minutes from the meeting. Should Council decide to proceed with a public hearing on this case, in addition to the published newspaper advertisements, property owners within the notification area shown on Map 2 will receive a mailed notification.

ALTERNATIVES

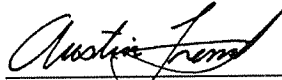
1. Council may choose to proceed with the rezoning from PA (Protected Area) Zone to R-2 (Two Unit Dwelling) Zone. This is the staff recommendation for reasons described above.
2. Council may choose to refuse the proposed rezoning, and in doing so, must provide reasons based on conflict with RMPS and Planning District 5 MPS policies.

ATTACHMENTS

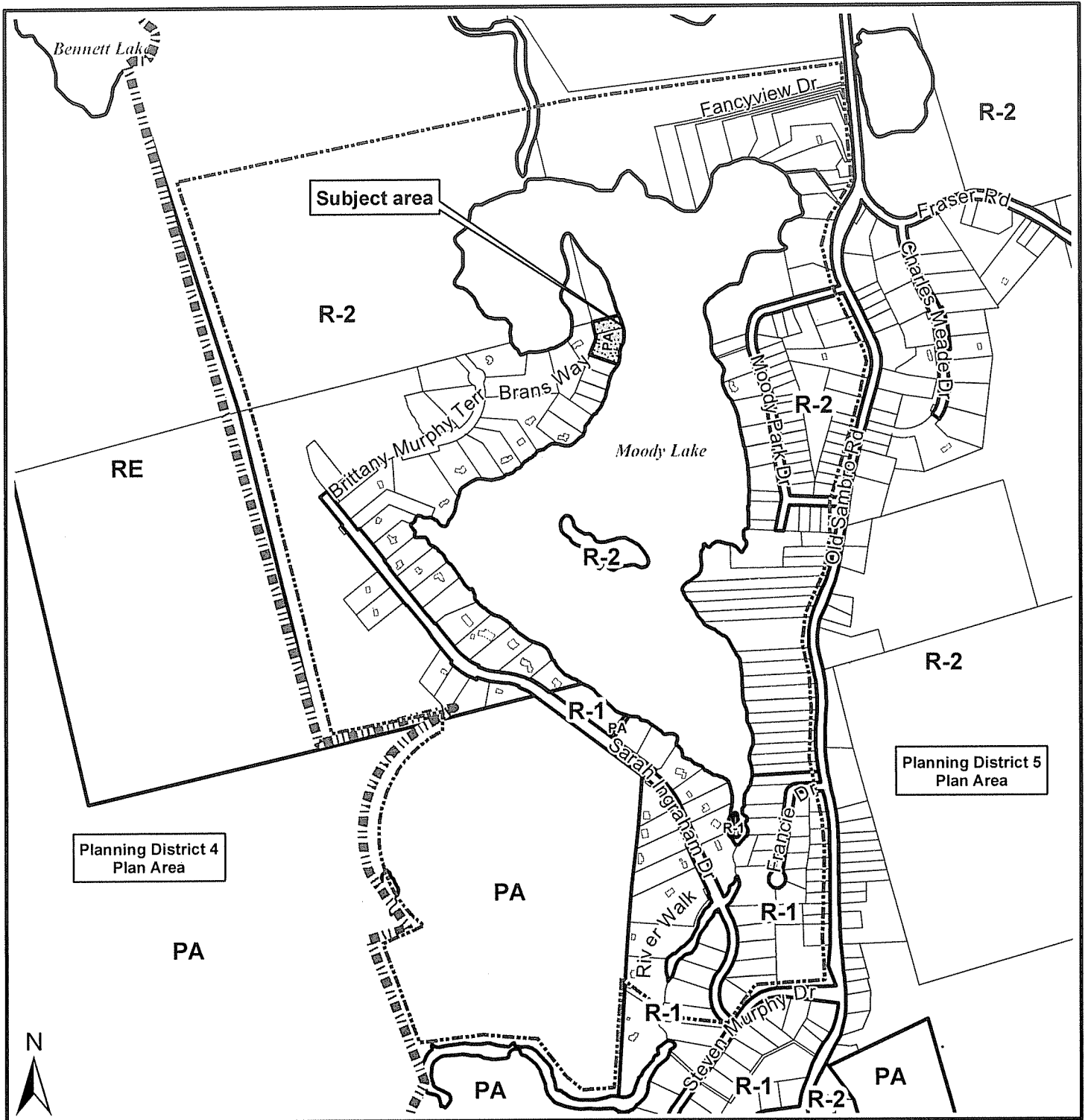
Map 1:	Location and Zoning Map
Map 2:	Planning District 5 Generalized Future Land Use Map
Map 3:	RMPS Generalized Future Land Use Map
Attachment A:	Amendment to the Land Use By-law
Attachment B:	Relevant RMPS Policies
Attachment C:	Relevant MPS Policies
Attachment D:	Public Information Meeting Minutes
Attachment E:	HRM's Manager of Environmental Performance: Comments Related to Moody Lake (2008)
Attachment F:	HRM's Environmental Performance Officer: Comments Related to Moody Lake (2010)

A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/cc.html> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by : Miles Agar, Planner 1, Community Development, 490-4495





Report Approved by: Austin French, Manager of Planning Services, 490-6717



Map 1 - Location and Zoning

Brans Way
Williamwood

 Area proposed to be rezoned from PA (Protected Area) to R-2 (Two Unit Dwelling)

 Area of notification

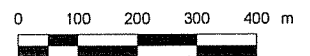
Planning District 5
(Chebucto) Plan Area

Zone - Planning District 5

- R-1 Single Unit Dwelling
- R-2 Two Unit Dwelling
- PA Protected Area

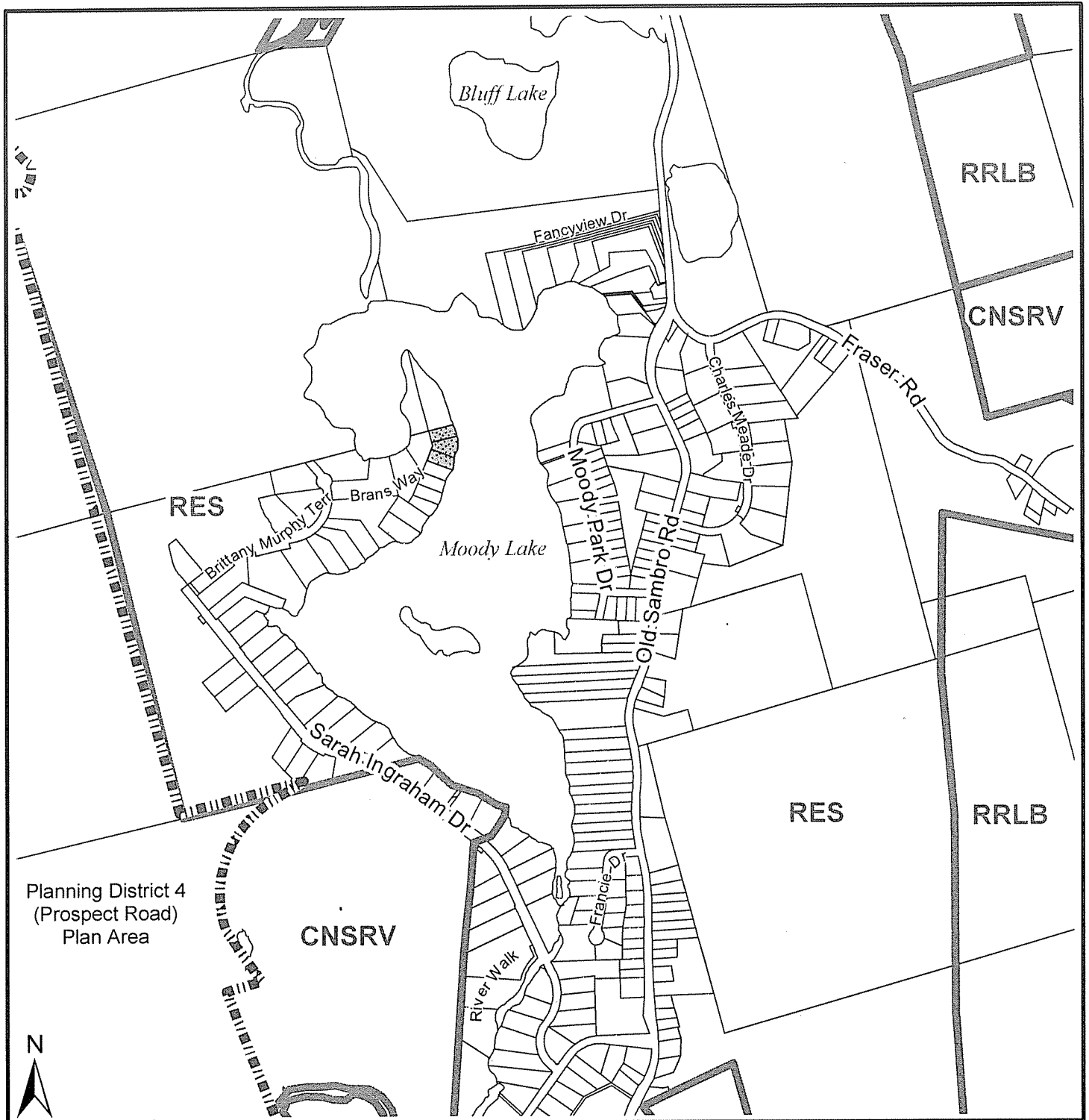
Zone - Planning District 4

- RE Resource
- PA Protected Area




This map is an unofficial reproduction of a portion of the Zoning Map for the plan area indicated

HRM does not guarantee the accuracy of any representation on this plan.



Map 2 - Generalized Future Land Use

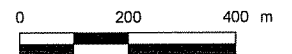
Brans Way
Williamswood

 Area proposed to be rezoned from PA (Protected Area) to R-2 (Two Unit Dwelling)

Planning District 5
(Chebucto) Plan Area

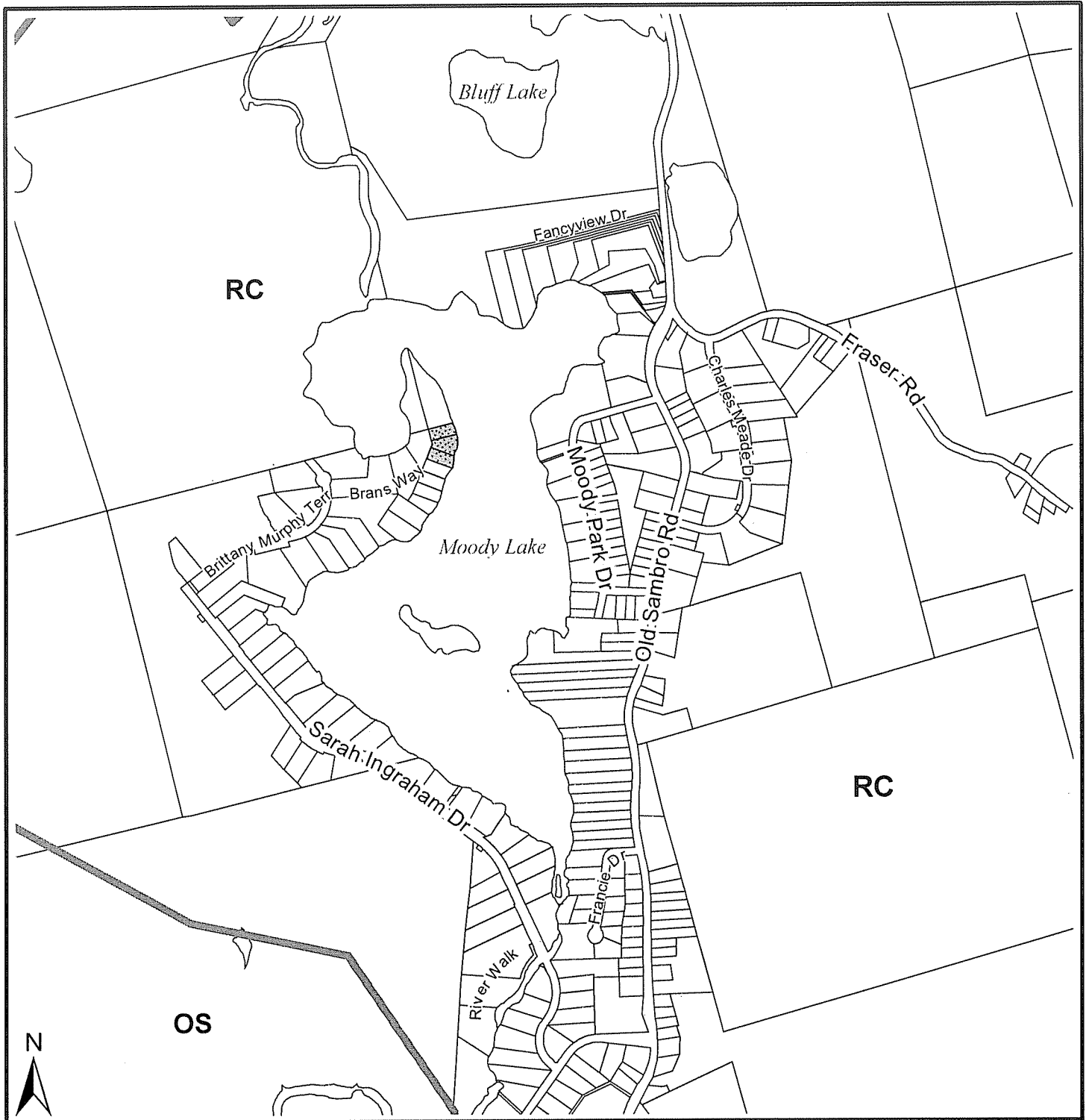
Designation

- RES Residential
- RRLB Rural "B"
- CNSRV Conservation




This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the plan area indicated

HRM does not guarantee the accuracy of any representation on this plan



Map 3 - Regional Plan Generalized Future Land Use

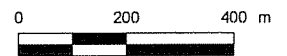
Brans Way
Williamswood

 Area proposed to be rezoned from PA (Protected Area) to R-2 (Two Unit Dwelling)

Regional Municipal
Planning Strategy

Designation

RC Rural Commuter
OS Open Space and Natural Resource



This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the plan area indicated

HRM does not guarantee the accuracy of any representation on this plan.

Attachment A
Amendment to the Land Use By-law for Planning District 5 (Chebucto Peninsula)

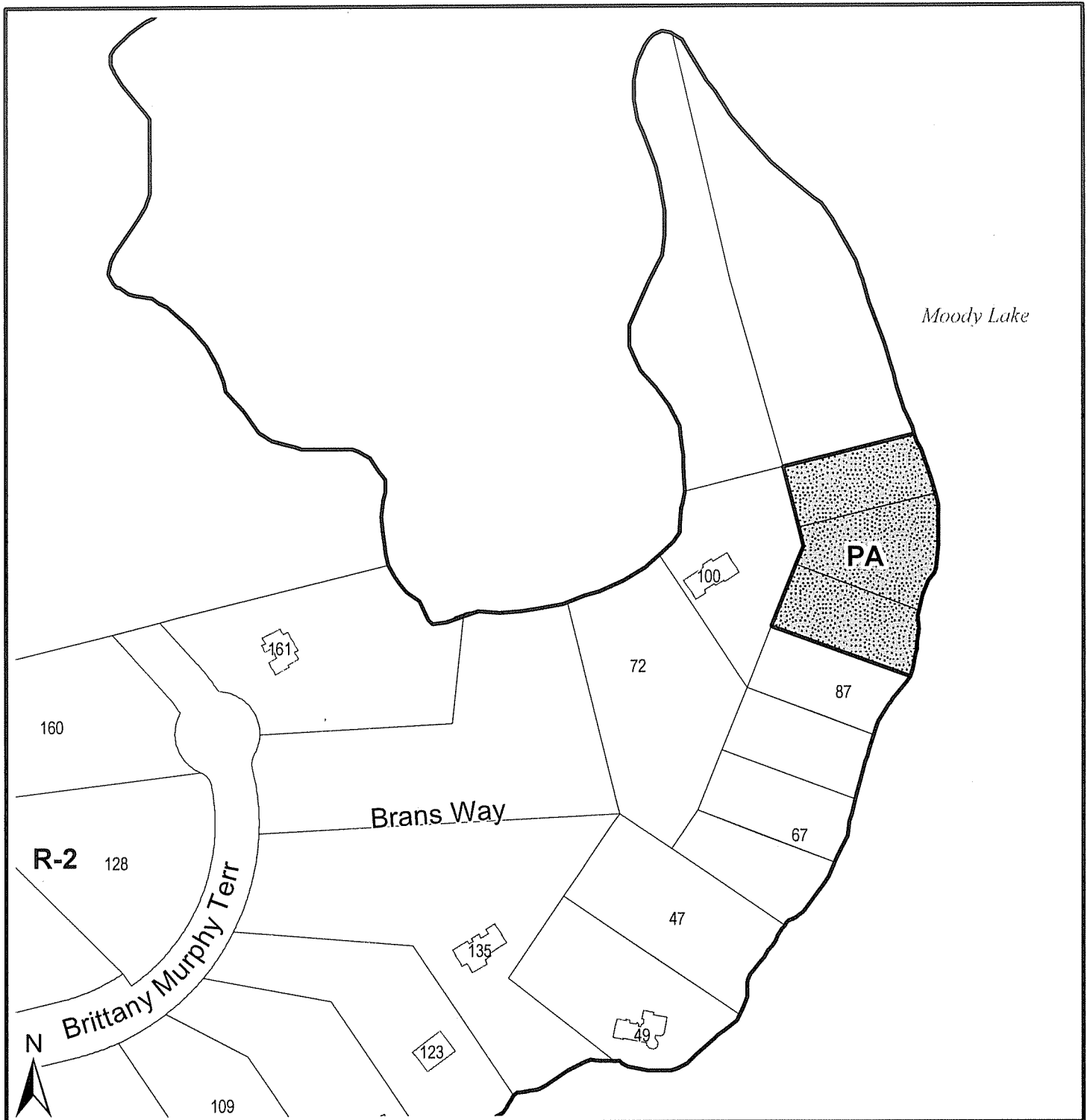
BE IT ENACTED by the Western Region Community Council of the Halifax Regional Municipality that the Land Use Bylaw for Planning District 5 (Chebucto Peninsula) as amended, is hereby further amended as follows:

1. By amending the Planning District 5 Zoning Map of the Land Use By-law as shown on the attached Schedule A.

I HEREBY CERTIFY that the amendment to the Land Use By-law for Planning District 5 (Chebucto Peninsula) as set out above, was passed by a majority vote of the Western Region Community Council of the Halifax Regional Municipality at a meeting held on the ____ day of ____, 2010.


GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this ____ day of _____, 2010.

Cathy Mellett
Municipal Clerk



Schedule A

Brans Way
Williamswood

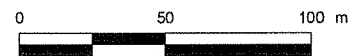
 Area to be rezoned from PA (Protected Area) to R-2 (Two Unit Dwelling)

Planning District 5
(Chebucto) Plan Area

Zone

R-2 Two Unit Dwelling
PA Protected Area

HALIFAX
REGIONAL MUNICIPALITY
COMMUNITY DEVELOPMENT
PLANNING SERVICES



This map is an unofficial reproduction of a portion of the Zoning Map for the plan area indicated

HRM does not guarantee the accuracy of any representation on this plan.

Attachment B
Relevant RMPS Policies

2.1.5 Natural Areas and Natural Corridors

Natural areas include significant ecological features within the regional landscape. They play a vital role in protecting vegetation, fish and wildlife which are significant to the biodiversity, beauty and character of HRM. Within HRM are five designated wilderness areas and a portion of a sixth designated under the *Special Places Protection Act*. HRM and non-governmental conservation organizations have acquired and permanently protected other environmentally sensitive areas throughout HRM.

Protection of isolated blocks of habitat will not adequately protect wildlife in HRM. The size and continuity of natural corridors contribute to the overall connectivity of natural landscapes, which are in turn critical to reducing losses of native species of flora and fauna caused by development practices. The length and width of wilderness networks is determined by the requirements of desired wildlife species as well as other desired uses within the network. For example, it may not be possible to protect wide corridors and thereby accommodate larger species in all areas within the Urban Settlement Designation. Secondary networks address some of the problems of habitat fragmentation for smaller species within the Urban Settlement Designation.

There are 14 Natural Corridors which are significant to the on-going connectivity and conservation of HRM's natural network as shown on the Parks and Natural Corridors Map (Map 4). Potential linkages are identified on this map. The primary function of these corridors and policies that support them is to conserve wildlife habitat and, in some cases, also conserve riparian, recreational and cultural lands. Over time, it is the intention of HRM to work cooperatively with provincial and federal agencies, non-governmental organizations and land owners to achieve an interconnected system of open space as shown on the Trails and Natural Networks Map (Map 3) and the Parks and Natural Corridors Map (Map 4).

E-6 Within the Open Space and Natural Resource Designation, HRM shall, through the applicable land use by-law, establish a Protected Area Zone. This Zone shall be applied to wilderness areas which have been designated under the *Wilderness Areas Protection Act*, nature reserves designated under the *Special Places Protection Act*, and conservation-related properties owned by government or private conservation organizations. The Zone shall only permit scientific study and education, trails and similar public, conservation and recreational uses.

Attachment C
Relevant MPS Policies

RES-2 Within the Residential Designation, **outside of the Herring Cove community** shall be the intention of Council to establish a two unit residential zone which permits single and two unit dwellings, existing mobile dwellings, open space uses, fishery support uses, day care facilities and home occupations of a limited size contained within a dwelling and operated by a resident of the dwelling. Home occupations will be subject to controls on signage and the nature and scale of the business, as well as prohibition of outdoor storage and display, in order to ensure that the home occupation is compatible with the residential environment.

Attachment D
Minutes from the Public Information Meeting

Public Information Meeting
Case 15910
April 21, 2010

In attendance: Miles Agar, Planner, Planning Applications
Shanan Pictou, Planning Technician
Gail Harnish, Planning Services
Dennis Garrett, Nova Scotia Nature Trust

Regrets: Councillor Adams

Opening remarks, introductions, purpose of meeting

Mr. Miles Agar called the public information meeting (PIM) to order at approximately 7:00 p.m. at the Captain William Spry Centre.

The purpose of the meeting is to discuss an application to rezone three lots on Brans Way, Williamswood, from PA (Protected Area) Zone to R-2 (Two Unit Dwelling) Zone.

Overview of planning process

Mr. Agar provided site information:

- the properties are just south of the community border between Harrietsfield and Williamswood;
- the parcels are located on the western shore of Moody Lake;
- each property is approximately 20,000 sq.ft.;
- the parcels were created in 1966;
- the properties are zoned PA;
- the surrounding zoning is R-2 and the general area is predominately zoned R-2;
- when the Regional Plan was adopted in 2006, these lots were rezoned from R-2 to PA as part of that exercise.

Mr. Agar advised these properties were historically zoned R-2. When the Municipal Planning Strategy (MPS) was originally adopted in 1988, the properties were zoned R-2. Also, when the MPS was reviewed and re-adopted in 1995, these properties were zoned R-2.

Mr. Agar noted the lands are governed by the MPS for Planning District 5. The lands are designated in the MPS as Residential, as are most of the lands around the lake. In the Regional Plan the lands are designated as Rural Commuter. That designation was essentially applied to many of the established or growing residential areas outside of the Service Boundary. The interior lands which

are primarily undeveloped have been designated under the Regional Plan as Open Space and Natural Resource.

Mr. Agar advised it is an HRM initiated application. The Nova Scotia Nature Trust indicated their intent was not to permanently steward these three lots. The lots were rezoned in 2006 as part of the Regional Plan; historically they were zoned R-2. We are exploring rezoning them back to R-2 through this process. There are four properties owned by the Nova Scotia Nature Trust. Three were rezoned to PA through the Regional Plan process and one was left with the R-2 zoning.

The discussion around the MPS for Planning District 5 is mostly related to the Residential Designation. Policy RES-2 of the MPS essentially states the R-2 Zone is the base zone in the Residential Designation. There are also implementation policies which have to be considered when rezoning lands. The major consideration is that the rezoning must be in conformance with the intent of the MPS.

In terms of the Regional Plan, Policy E-8 allows Council to establish the PA Zone. The policy essentially states the Open Space and Natural Resources Designation is the only designation which can be considered and there are other criteria to be considered. The PA Zone is to be applied to specific types of land; lands that are subject to different types of legislation such as the *Special Places Protected Act* and other acts dealing with the conservation of land.

Mr. Agar advised the Nature Trust brought it to our attention they did not intend to permanently steward these lands.

Mr. Agar reviewed the rezoning process:

- staff did a preliminary review of the application;
- we are now holding the PIM;
- staff will prepare a report, which includes a staff recommendation, which is tabled with the Western Region Community Council;
- Community Council will decide whether or not to proceed to schedule a public hearing
- if they proceed, a public hearing is held;
- the decision of Community Council is subject to a fourteen day appeal period.

Presentation by Nova Scotia Nature Trust

Mr. Garrett provided an outline of what the Nature Trust does and why they do it:

- They were established in 1994 to protect increasingly threatened ecologically significant lands.
- They are an incorporated charity.
- They employ four full time staff, a volunteer Board of Directors, and numerous volunteers working on committees and others assisting with events and the management of the Nature Trust's lands.

- They work in partnership with funding organizations, other conservation organizations, government, individuals and local communities to protect privately owned ecologically significant lands in perpetuity.
- Their criteria for the selection of lands identified for protection is based on Conservation Science from which they have derived a set of ecological criteria used to guide their decision-making.
- There are several ways they protect land and they provide a set of options for landowners wishing to protect their land. These are through outright purchase of land, gifts of land (donation or part donation) including bequests, and conservation easement.
- They have two key programs - land conservation and education. Through their conservation program, they acquire conservation lands, and also manage and steward their protected lands. Their commitment to their protected areas is in perpetuity. It takes significant financial and human resources both to secure land, and to take on and honour that stewardship responsibility forever, so they need to focus their resources on the most important natural areas in the province.
- They have protected forty-one conservation sites to date, and over 5000 acres of natural areas from pristine coastal islands, headlands and beaches, to old growth forests and critical habitat for nationally endangered species.
- Their second major program is a conservation education and outreach program through which they increase awareness about habitat and land conservation issues and opportunities, and give people an opportunity to experience nature first hand.
- Like all charities, they raise funds through various activities to support their work such as memberships, donations, special events and grants. They also accept the donation of real property assets such as stocks, mutual funds, artwork, houses, and jewellery, which are sold to raise funds for land conservation.
- One specific type of asset donation somewhat unique to land trusts like the Nature Trust is the donation of trade lands. When someone owns land that does not meet their ecological criteria for permanent protection as conservation lands, the owner may donate the property to them as trade lands. The lands can either be traded for a high priority conservation site, or sold and the funds used for conservation.

Mr. Garrett advised the trade land option is involved here at Moody Lake. The former owners of the land donated these lots to the Nature Trust as trade lands. A unique caveat in this situation was that they not sell the lands until the death of the owners or until the owners agreed to a sale or trade. The lands have been left in their natural state since the donation, but the clear intent of the landowners and the Nature Trust was always to sell them.

Mr. Garrett noted that while they wish they had the resources to protect every little piece of natural habitat in the province, the reality is that with 70% of Nova Scotia in private hands, including 95% of the cost, they need to focus limited conservation resources on the most ecologically important and unique natural areas. These lots do not meet provincial level conservation priority status.

Mr. Richard Belyea questioned if these properties had access to Brans Way.

Mr. Garrett responded the access at the moment is the private road. The private road does run past those lots and the lots about the private road.

Ms. Gloria MacNeil stated she have lived there for thirty-six years, and has watched Moody Lake develop with quite a few houses around it. She understood the land donated was supposed to stay in the hands of the Nature Trust fund until she and her husband died. Her husband has passed away but the lady is still alive.

Ms. MacNeil indicated this lake is part of the eco-system that runs all the way to the ocean, so why shouldn't it be a protected area? She realized the Nature Trust had bigger places to protect but this little lake should be protected for the people who already live on it. She objected to the lands being rezoned.

Mr. Chris Plummer noted they were looking at three different PIDs that are going to be the same size for three different locations. Everyone else on this side of the lake are R-1 and questioned if the lots had to be rezoned to R-2.

Mr. Agar displayed the zoning in 1995 as well as 1988. The development pattern is single family dwellings. We are exploring putting the zoning back to what it was before. Although development may all be single unit dwellings, the R-2 zone applies and allows for single and two unit dwellings. It would have been the choice of each construction project to build a single unit dwelling as opposed to a two unit dwelling.

Mr. Plummer said he historically understood what was being said by staff, but they are all R-1 and good sized lots, and staff is saying someone could come in and put up a multi-unit building.

Mr. Agar noted a two unit dwelling would also be subject to the Provincial requirements. Because they are unserviced lots, they would have to obtain approval for septic and water from the Department of the Environment prior to the Municipality issuing a permit.

Mr. Plummer asked for confirmation it was their intention to put the lots on the market and sell them.

Mr. Garrett responded yes.

Ms. Helen Doucette indicated Moody Lake was in her backyard. There are three lots and then a fourth lot. She asked how much property is owned by the Nature Trust.

Mr. Garrett advised they just own the four lots.

Ms. Doucette asked for confirmation the lots would not specifically be for single family homes. She questioned if the lake is going to be overwhelmed with a bunch of services and stuff.

Mr. Agar confirmed the R-2 zoning enables two unit dwellings to be considered as well as single unit dwellings, and it does allow for some associated home businesses that you would see in any residential zone. The zoning would not permit stand-alone commercial uses.

Ms. Doucette questioned who owns the rest of the property in the back part where it is all woods.

Mr. Agar responded there are large tracts owned by the Crown and the Province which he pointed out. Land around the lake is in private ownership.

Mr. Richard Belyea indicated he was led to believe the zoning on Sarah Ingraham Drive was R-1.

Mr. Agar advised there is a small bit of land on Sarah Ingraham Drive which is zoned R-1 and the rest is zoned R-2.

Mr. Belyea stated he was not in favour of dual residential properties going on the lake. This would mean eight more families on the lake and eight more sea-doo's. The lake cannot handle that. He was against having duplex houses being put on that piece of property.

Ms. Leona Delvallet indicated she lived on Chocolate Lake prior to moving here. The Department of Health tested the water in Chocolate Lake every year to make sure it was safe. She moved to Moody Lake because she was told the lake was wonderful for swimming and fishing. Since moving there, she watched dead fish come up and children are not there any more. She was afraid this would keep perpetuating until the lake was ruined. She was not in favour of multi-unit development.

Ms. Brenda Bell stated she was not in favour of further development on Moody Lake. She believed there is too much stress on the lake at the moment and that is destroying the lake. There is high algae, dead fish, and no more frogs. She was concerned more homes would mean the end of the lake. Their homes on Moody Lake would lose their value if they cannot swim there any more. We need to come together as a group to try and protect it. Maybe the alternative is for the City to purchase those lots and protect them. There is so much in the news lately about property being over-developed and animals and wildlife no longer have a place to live, and we are taking away more of that land from the wildlife. We are limiting access to a major source of food for those animals because they cannot get water since there are so many homes. She was not only totally against duplexes being developed there but also any development, and would like for the City to purchase those lots and protect them for good.

Mr. Tom MacNeil indicated he has lived there for a good number of years. One time, they could see and hear the loons but there is less and less of that there now. He had a particular issue with the Nature Trust because they are not going to do something for nature but rather it seems like they are doing a land swap. He thought they did one on the lake already. They seem to be wheeling and dealing and they are trying to get lands elsewhere with more ecological significance. This land is as significant as any other piece of land in the province. He did not see the City doing too much for the taxpayers in the area, so maybe they could step forward and do something for them.

Ms. Gloria MacNeil commented the lady who donated that land worked for two years to buy it to give it to the Nature Trust, and also on the condition it never be sold until she and her husband passed away. She did not think the Nature Trust should be going against their wishes. This has been very upsetting to the lady.

Mr. Garrett responded the agreement they have with the donors was for it not to be sold within their lifetime but also if they said they could sell it in their lifetime they could do so.

Ms. MacNeil asked if the donor said it could be sold, to which Mr. Garrett responded yes.

Ms. MacNeil commented the lady did not express that to her the other day.

Mr. Chris Plummer questioned how long they thought it would take to get through this process.

Mr. Agar responded a rezoning typically takes three to six months. If the land is rezoned, then the property owner would deal with the sale of the land.

Mr. Garrett responded it was difficult for him to say how long it would take them.

Mr. Plummer asked if the lots were donated as three separate lots. Mr. Garrett confirmed it was always three lots.

Mr. Plummer asked if there was any thought given to the lots being too small to sell.

Mr. Garrett responded that is why they were given to them as three lots.

Ms. Nita Horn questioned what it was costing the Nature Trust to keep this land to maintain it.

Mr. Garrett responded it would cost them to steward it. It would mean visiting the site at least annually and making sure people are not cutting trees, etc. They would also be paying property taxes.

Ms. Horn suggested something could be set up with the people on the lake to steward it. There are enough of them around the lake that could do it. They would all feel good knowing there is a strip of land there that would not be developed.

Mr. Garrett suggested they could also consider buying the land.

Adjournment

The meeting adjourned at approximately 7:40 p.m.

Attachment E
HRM's Manager of Environmental Performance:
Comments Related to Moody Lake (2008)

HRM staff reviewed the issue of water quality through a rezoning application (Case 01061) in 2008. The following is an excerpt from the 2008 staff report referencing comments from Dr. Tony Blouin, HRM's former Manager of Environmental Performance:

"In response to residents concerns, HRM's Manager of Environmental Performance reviewed the existing 1997-98 water quality data from Moody Lake and, as well, conducted additional water sampling in November of 2007. His review of the 1997-98 data indicates that the general health of Moody Lake was relatively good showing low human impact, however, this evaluation was based on the very limited data available. His detailed notes indicated that the lake was highly coloured, being a natural state for many NS lakes due to drainage of dissolved organic material from bogs. The lake was in the oligotrophic¹ category based on chlorophyll, and on the oligotrophic / mesotrophic² boundary based on phosphorus, and lake pH was in the 5 range, which is somewhat acidic, again possibly a natural state due to bog drainage.

Regarding the 2007 sampling, the data indicates that the lake is more highly coloured than it was in 1997-98, however this is still likely due to natural organic acids from bog drainage. The pH is still low (below 5) which is acidic, but not unusual in NS lakes with bog drainage and surrounded with soils with low natural buffering capacity. Phosphorus is in the same range it had been in 1997-98, and the chlorophyll was also comparable. Turbidity and conductivity are both a bit higher now than in 1997-98, likely due to the additional development in the area and road salt, respectively.

The overall analysis indicates that Moody Lake is well within the range of the 70 other lakes within the HRM sampling program. Furthermore, it does not appear that there have been any major changes in water quality to Moody Lake since the previous data from 1997-98."

¹Oligotrophic - A water body with low nutrient input and concentration, characterized by relatively low amount of biological activity.

²Mesotrophic - Intermediate state of biological productivity in a water body.

Attachment F
HRM's Environmental Performance Officer:
Comments Related to Moody Lake (2010)

In addition to considering comments provided by HRM's Manager of Environmental Performance in 2008, staff also sought updated information and comment. The following are comments provided by Cameron Deacoff, HRM's current Environmental Performance Officer:

"In response to a request from HRM Planning Services, Environmental Performance Officer Cameron Deacoff reviewed the water quality data from Moody Lake in 1997-1998 and from 2007 onwards. His assessment of the 1997-98 data is the same as that of the former Manager of Environmental Performance: that the general health of Moody Lake was relatively good, showing low human impact. The lake continues to show a high degree of natural colouration and remains relatively acidic, with pH results in the 5 range.

The lake is in the oligotrophic category based on chlorophyll, and has been observed in both the oligotrophic and mesotrophic ranges based on phosphorus; this higher (mesotrophic) readings represent an increase in trophic state since the 2008 staff report, and correspondingly lower water quality, possibly due to human activities in the watershed.

Overall, the water quality within Moody Lake is well within the range of the other 70 lakes within HRM's water sampling program. It appears that comments from the public about their concerns for the water quality of the lake, as stated in the 2008 staff report, remain valid.

Commentary on the items of interest regarding Moody Lake:

1) Water Quality Monitoring

HRM began to regularly monitor lakes and streams in Spring 2006. Samples are collected from approximately 70 lakes and streams three times per year - May, August, and October / November. The monitoring suite includes approximately 70 metal, nutrient, inorganic and bacteriological parameters.

HRM began sampling Moody Lake in Fall 2007, further to Case 01061 (or so I understand). The sampling program was managed by Dr. Tony Blouin until his retirement from HRM (May 2008), its administration was assumed by me (Cameron Deacoff) at that time.

2) Water Quality Status / trends

Although we assess water quality via dozens of parameters, among the most relevant and directly assessable are water clarity, Total Phosphorus, microbiological (E. coli or Fecal coliform) and Chlorophyll counts.

Secchi disk depths are used as a proxy for water clarity, with 1.2 metres recommended as the minimum depth for recreational pursuits. To date, only one of six samples exceeded this depth, and not by much on that occasion.

Total Phosphorus is a measure of how much nutrient content is in the lake, as a contributor to plant growth. Phosphorus is usually the limiting nutrient in freshwater environments, and the more of it that is available, usually the more productive the lake for plant material. Highly productive lakes, often those measuring 20 micrograms per litre or more (ie. 20 parts per million, ppm), are known as eutrophic, which have reduced recreational potential compared to those of lower TP values. TP readings in Moody Lake have varied from 9 to 20 ppm since 2007, with no obvious trend in any direction. Overall, these readings are relatively high and are a cause for concern.

E. coli and Fecal coliforms have both been used as indicators of fecal contamination in freshwater environments; they are natural bacteria that can be found in the bodies of any warm-blooded animal, including humans, other mammals (such as dogs, deer, and raccoons), and birds, among others. Health Canada guidelines recommend that waters are unsafe for swimming when readings of these organisms exceed 200 per 100mL sample. Samples from Moody Lake have never met, let alone exceeded, this number, since sampling began in 2007. This is apparently not a concern in this lake, at least not on the dates or in the locations tested.

Chlorophyll A is an indicator for the growth of algae in aquatic environments. Chl A measurements in Moody Lake have been relatively low to date, and do not register as a cause for concern.

3) Resident's Concerns.

I have received, indirectly, letters of concern from two residents in the area, concerned about the state of the lake, and more particularly the decline in its potential to serve as a recreational (swimming) amenity. Both letters have expressed concerns about deliberate bird feeding by a neighbour (this spurred, in part, a recent enhancement of HRM's By-Law A-300 (animals & responsible pet ownership)). Although readings of fecal coliform and/or e. coli levels have not borne out the concerns of these residents, the time, date, and location of these samples are not coincident with the alleged feeding and cannot be used to validate or invalidate these concerns."