

**Item No.**  
**Heritage Advisory Committee**  
**January 29, 2014**  
**Design Review Committee**  
**January 29, 2014**  
**Regional Council**  
**February 11, 2014**

**TO:** To the Chairs and Members of the Heritage Advisory Committee and the  
Design Review Committee  
Original signed by:

**SUBMITTED BY:** \_\_\_\_\_  
Mike Labrecque, Deputy Chief Administrative Officer

Original signed by  
\_\_\_\_\_  
Jane Fraser, Director, Planning and Infrastructure

**DATE:** January 14, 2014

**SUBJECT:** RP+5: HRM Regional Municipal Planning Strategy

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**ORIGIN**

- October 4, 2011 – Regional Council initiation of Regional Plan 5-Year Review (RP+5)
- February 9, 2012 – Community Planning and Economic Development Standing Committee approval of revised RP+5 project schedule and Communications and Community Engagement Strategy for RP+5
- September 18, 2013 – Staff report to Community Design Advisory Committee with Draft 3 of the revised Regional Plan attached
- November 15, 2013 – Community Design Advisory Committee RP+5 Recommendations Report on Draft 3 to Regional Council
- November 25, 2013 – Staff report to Committee of the Whole in response to November 15, 2013 Community Design Advisory Committee Recommendations Report
- December 3 and December 10, 2013 – Direction from Committee of the Whole upon consideration of the recommendations contained in the September 18, 2013, November 15, 2013, and November 25, 2013 reports.

**LEGISLATIVE AUTHORITY**

- *Halifax Regional Municipality Charter*, Part VIII, Planning and Development
- *Regional Municipal Planning Strategy* (RMPS), Policy IM-7 (requires HRM to conduct

five-year reviews)

- *Nova Scotia Heritage Property Act*
- *Halifax Regional Municipality Heritage Property Bylaw (H-200)*
- *Halifax Regional Municipality Heritage Conservation District (Barrington Street) Bylaw (H-500)*

## **RECOMMENDATIONS**

### **Heritage Advisory Committee**

It is recommended that the Heritage Advisory Committee recommend that Regional Council give first reading and schedule a public hearing to consider:

1. repealing the existing HRM *Regional Municipal Planning Strategy*;
2. adopting the proposed HRM *Regional Municipal Planning Strategy* as contained in Attachment A;
3. adopting the amendments to the *Downtown Halifax Secondary Municipal Planning Strategy* as contained in Attachment C;
4. adopting the amendments to By-law H-200, the *Heritage Property By-Law*, as contained in Attachment F;
5. adopting the amendments to the *Barrington Street Heritage Conservation District Revitalization Plan*, as contained in Attachment G; and
6. adopting the amendments to By-law H-500, the *Heritage Conservation District (Barrington Street) By-law*, as contained in Attachment H.

### **Design Review Committee**

It is recommended that the Design Review Committee recommend that Regional Council give first reading and schedule a public hearing to consider adopting the amendments to the *Downtown Halifax Secondary Municipal Planning Strategy* as contained in Attachment C.

### **Regional Council**

It is recommended that:

1. Regional Council give first reading and schedule a public hearing to consider:
  - a. repealing the existing *Regional Municipal Planning Strategy* and adopting the proposed *Regional Municipal Planning Strategy* as contained in Attachment A;
  - b. repealing and re-adopting the 2006 Regional Plan Community Plans and Land Use By-Law Amendments (as amended) as contained in Attachment B;
  - c. adopting the amendments to Secondary Planning Strategies as contained in Attachment C;
  - d. repealing the *Halifax Regional Subdivision By-Law* currently in effect and replacing it with a new *Halifax Regional Subdivision By-law* presented in Attachment D;
  - e. adopting the amendments to Land Use By-laws as contained in Attachment E;

- f. adopting the amendments to By-law H-200, the *Heritage Property By-law*, as contained in Attachment F;
  - g. adopting the amendments to the *Barrington Street Heritage Conservation District Revitalization Plan*, as contained in Attachment G; and
  - h. adopting the amendments to By-law H-500, the *Heritage Conservation District (Barrington Street) By-law*, as contained in Attachment H.
2. Regional Council:
- a. repeal the existing *Regional Municipal Planning Strategy* and adopt the proposed *Regional Municipal Planning Strategy* as contained in Attachment A;
  - b. repeal and re-adopt the 2006 Regional Plan Community Plans and Land Use By-Law Amendments (as amended) as contained in Attachment B;
  - c. adopt the amendments to Secondary Planning Strategies contained in Attachment C;
  - d. repeal the *Regional Subdivision By-law* currently in effect and replace it with the *Regional Subdivision By-Law* as presented in Attachment D;
  - e. adopt the amendments to Land Use By-laws as contained in Attachment E;
  - f. adopt the amendments to By-law H-200, the *Heritage Property Bylaw*, as contained in Attachment F;
  - g. adopt the amendments to the *Barrington Street Heritage Conservation District Revitalization Plan*, as contained in Attachment G; and
  - h. adopt the amendments to By-law H-500, the *Heritage Conservation District (Barrington Street) By-law*, as contained in Attachment H.

## **EXECUTIVE SUMMARY**

This report presents the final draft of the *Regional Municipal Planning Strategy* and accompanying amendments package for Regional Council's consideration of first reading and notice of public hearing. The report also includes a discussion of specific amendments to be considered by the Heritage Advisory Committee to the *Downtown Halifax Municipal Planning Strategy*, the *Heritage Property By-law*, the *Heritage District (Barrington Street) Conservation By-law*, and the *Barrington Street Heritage District Revitalization Plan*. Amendments to the *Downtown Halifax Municipal Planning Strategy* also must be considered by the Design Review Committee.

The report outlines changes made to Draft 3 of the *Regional Municipal Planning Strategy (RMPS)* as a result of Committee of the Whole deliberation of the Plan on December 3<sup>rd</sup> and December 10<sup>th</sup>, 2013. The report also includes a number of amendments made by staff to the draft *RMPS* and the *Regional Subdivision By-law* as a result of internal review. The "Requests for Reports" section of the report includes discussion and staff recommendation on a number of issues raised by the Committee of the Whole during its December deliberation. Additional information on the cost of secondary undergrounding is also provided.

## **BACKGROUND**

On October 4, 2011, Regional Council initiated the first five year review of the *Regional Municipal Planning Strategy*<sup>1</sup> and directed that the proposed scope be refined and confirmed through a process of public consultation and research, with direction and advice from a Community Design Advisory Committee (CDAC).

Following the completion of policy review and public consultation, a staff report outlining the main changes in the draft revised *Regional Municipal Planning Strategy* (RMPS) was tabled with the CDAC on September 23, 2013<sup>2</sup>. The report presented the context for the RP+5 project, a summary of background studies and research<sup>3</sup>, and a summary of community engagement<sup>4</sup>. The report also outlined the major policy changes, and proposed future work to implement the Plan.

The CDAC provided its formal recommendations on the draft revised *Regional Municipal Planning Strategy* in a report dated November 15, 2013<sup>5</sup>. A report dated November 25, 2013 provided staff responses to the recommendations/matters raised in the CDAC report<sup>6</sup>.

The Committee of the Whole considered CDAC's recommendations and the responding Staff report on December 3 and December 10, 2013. This consideration generated twenty-two recommendations which were accepted by Regional Council on December 10, 2013. Staff was directed to prepare a supplementary report and amendments package for referral to the Heritage Advisory Committee and the Design Review Committee. Staff was further directed to bring forward the amendment package to Regional Council to initiate the adoption process and commence the first reading and the setting of date for a public hearing.

### **Heritage Amendments**

The amendments required to the *Heritage Property By-law* (H-200), the *Heritage Conservation District (Barrington Street) By-law* (H-500), the *Barrington Street Heritage Conservation District Revitalization Plan* and the *Downtown Halifax Secondary Municipal Planning Strategy* are necessary to implement new heritage policies of the draft revised RMPS which were not included in the September 23, 2013 report. These amendments are included in this supplementary report and will be tabled with the Heritage Advisory Committee (HAC) on January 29, 2014 for review and recommendation to Regional Council. The heritage related amendments for the *Downtown Halifax Secondary Municipal Planning Strategy* will also be tabled with the Design Review Committee (DRC) on January 29, 2014. The DRC will provide recommendations to Regional Council.

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<sup>1</sup> <http://www.halifax.ca/council/agendasc/documents/111004cow3.pdf>

<sup>2</sup> <http://www.halifax.ca/boardscom/documents/RP5RevisedRegionalMPSRevised.pdf>

<sup>3</sup> <http://www.halifax.ca/boardscom/documents/AttachmentB-SummaryofResearch.pdf>

<sup>4</sup> <http://www.halifax.ca/boardscom/documents/AttachmentC-RP5CEReportFinal.pdf>

<sup>5</sup> <http://www.halifax.ca/council/agendasc/documents/131203cow3ii.PDF>

<sup>6</sup> <http://www.halifax.ca/council/agendasc/documents/131203cow3i.pdf>

## **DISCUSSION**

### **Heritage Advisory Committee - Consideration of Heritage Amendments**

The RP+5 process considered changing conditions, research, community engagement and CDAC direction, as well as input from the Heritage Advisory Committee (HAC). As is described in the staff report, dated September 18, 2013, the process to review the Regional Plan resulted in the following key amendments to Chapter 7 – Cultural and Heritage Resources:

- The 2006 *HRM Cultural Plan* is to provide strategic guidance in achieving long term cultural goals, and the *Model for Assessing Cultural Heritage Values in HRM* (2005) is to guide the identification of sites, communities, and cultural landscapes (policies CH-1 and CH-2);
- A commitment is made to prepare a Culture and Heritage Priorities Plan with the matters to be addressed outlined in subsection 7.2.2 (policy CH-3); and
- The *Standards & Guidelines for the Conservation of Historic Places in Canada, 2<sup>nd</sup> Edition*, as published in 2010 by Parks Canada, is to be adopted in the *Heritage Property By-Law*, the *Downtown Halifax Municipal Planning Strategy*, the *Barrington Street Conservation District*, and future conservation districts (sub-section 7.3.5; policy CH-14).

#### **Standards and Guidelines for the Conservation of Historic Places in Canada**

Amending the Regional Plan (proposed Policy CH-14) to adopt the *Standards & Guidelines for the Conservation of Historic Places in Canada, 2<sup>nd</sup> Edition* (the *Standards & Guidelines*) would effectively replace the set of American-based conservation standards which HRM has been using since 1997 to evaluate alterations to registered heritage properties.

The existing HRM standards consist of a one-page list of 10 standards, focus primarily on buildings, and provide no guidance about how they should be applied.

In contrast, the Canadian Standards & Guidelines are more comprehensive in their scope. Each standard (of which there are 14) is accompanied by an illustrated description of its intent. The accompanying guidelines provide direction on how to interpret and apply the standards. The guidelines are organized into four categories of historic places: *Cultural Landscapes* (including heritage districts), *Archaeological Sites*, *Buildings*, and *Engineering Works*. Additionally, because materials are common among the four categories of historic places, a fifth category - *Guidelines for Materials* – addresses specific materials including wood, masonry, concrete, architectural and structural metals, glass, plaster & stucco, and others.

The comprehensive scope of the Canadian Standards & Guidelines is useful not only to HRM for the purposes of evaluating applications for alteration to heritage resources, but also as an educational tool for applicants and architects, potentially assisting them in understanding the heritage value of their property and the considerations that go into conserving that heritage value when contemplating alterations.

The Heritage Advisory Committee reviewed the possible adoption of the *Standards & Guidelines* at its May 2013 and June 2013 regular meetings. In a memorandum dated June 26, 2013 to senior planning staff and the CDAC, it expressed support for the proposed adoption, as follows:

*The Heritage Advisory Committee supports the adoption of the Federal Standards and Guidelines for the Conservation of Historic Places in Canada, understanding that they will replace the current Municipal Heritage Building Conservation Standards. The Committee is in favour as it finds that the Federal Standards and Guidelines for the Conservation of Historic Places in Canada are Canadian and developed in a pan-Canadian process that involved multiple stakeholders from multiple jurisdictions. The Committee finds that the Federal Standards and Guidelines for the Conservation of Historic Places in Canada provide clearer indications of intent. The Committee is also of the opinion that the guidelines, in particular, provide detail and examples that clarify appropriate application of the Federal Standards and Guidelines for the Conservation of Historic Places in Canada helping to provide consistent guidance to Staff, the Heritage Advisory Committee, potential proponents, and Council.*

As part of adopting the new standards and guidelines into the Regional Plan, amendments would be required to several by-laws and planning documents to carry out the intent of the policy change as follows:

- By-law H-200, the *Heritage Property By-law*
- By-law H-500, the *Heritage Conservation District (Barrington Street) By-law*
- *Barrington Street Heritage Conservation District Revitalization Plan*
- *Downtown Halifax Secondary Municipal Planning Strategy.*

In all cases the function of the amendments is to replace all references to the existing HRM *Heritage Building Conservation Standards* with references to the *Standards & Guidelines for the Conservation of Historic Places in Canada, 2<sup>nd</sup> Edition*, and to adjust the syntax of each By-law and planning document to assure consistency of language both within and between each document.

### **Design Review Committee - Consideration of Heritage Amendments**

Adopting the new heritage standards and guidelines into the Regional Plan requires amendments to the *Downtown Halifax Secondary Municipal Planning Strategy*. The amendments (contained in Attachment C) would see the existing HRM *Heritage Building Conservation Standards* replaced with references to the *Standards & Guidelines for the Conservation of Historic Places in Canada, 2<sup>nd</sup> Edition*. The amendments are necessary to carry out the intent of the regional policy change and to assure consistency of language both within and between the *Regional Plan* and *Downtown Halifax Secondary MPS*.

### **Heritage Property By-law H-200 Amendments**

The amendments to *Heritage Property By-law H-200* (Attachment F) also include items that result from the 2010 amendments to the *Heritage Property Act* (i.e. adding “cultural landscapes” and “public building interiors” to the list of heritage resources that may be considered for heritage registration), and updating the format of the registration notices appended to the By-law.

While the ability to expand the types of heritage properties and heritage resources has been included in the By-law, there are no new properties or heritage resources being recommended for heritage registration under these provisions at this time. Any future new registration will require careful consideration of potential implications.

**Regional Municipal Planning Strategy - Committee of the Whole Amendments**

As directed by the Committee of the Whole, the following amendments have been included in the revised *Regional Municipal Planning Strategy* (Attachment A):

- Discussion has been included in *Section 1.1: Introduction*, regarding the potential supply of land for development within the Urban Settlement designation where development can be reasonably anticipated.
- The greenbelting framework has been described in the preamble of *Section 2.2: Greenbelting: Building and Open Space Network*, and in Policy E-12 as directed.
- Floodplain mapping undertaken for the Sackville and Little Sackville Rivers has been acknowledged under *Section 2.3.4: Floodplains*.
- The guiding principles for the Regional Centre (*Section 6.2.2 (V): Complete Neighbourhoods*) have been adopted as objectives for all communities under *Section 3.1.4: Objectives*.
- The River Lakes Secondary Plan Area has been included in the list of growth centres eligible for Conservation Design Developments under Policies S-14 to S-16.
- The rural designation centres in Table 3-3 and on accompanying maps have been updated.
- Policy T-3 has been moved from *Section 4.2.2: Active Transportation* to *Section 4.3: Street Design*, and is now Policy T-16.
- The importance of providing system-wide accessibility is referenced in *Section 4.2.3: Public Transit*.
- Policy T-9 (previously Policy T-10) has been amended to replace the word “consider” with “require”.
- The wording of Policy T-11 (previously Policy T-12) has been changed to replace “targets” with “projections”.
- Policy T-13 (previously Policy T-14) has been amended to state that no road construction projects shown on *Table 4-1: Road Network Projects* and *Map 6: Future Transit and Transportation* are to be constructed until a Road Network Priorities Plan has been completed in accordance with the criteria outlined, including public consultation.

- *Table 4-1: Road Network Projects* and *Map 6: Future Transit and Transportation* have been amended as follows:
  - Completed projects have been deleted from the table;
  - New projects have been added: the widening of the Bedford Highway; the Lawrencetown Connector from Highway 7 to Highway 107; Sussex Drive Extension from Stillwater Lake Area to Exit 4 on Highway 103; Wellington Connector from Wellington Area to Exit 5A on Highway 102 and Cobequid Road Interchange on Highway 102.
  - Additional detail has been added to some of the multi-phase projects.
  - A Community Connector project category has been added.
- A new Policy, EC-6, has been added to *Section 5.3.1: Municipal Parks* to restrict new development within the Burnside Business Park expansion area as shown on *Map 10: Burnside Area* to general, light industrial and logistics uses. Office and retail uses shall only be permitted as accessory uses. A parallel change has also been made to the *Dartmouth Land Use By-law* to limit office and retail uses.
- A preamble has been added to *Section 6.5: Public and Private Investments* regarding municipal support for creating incentives and removing barriers to development in the Regional Centre and similar wording has been included in Policy RC-3.
- The potential risk of climate change to stormwater management systems has been added to the preamble in *Section 8.4: Stormwater Management*.
- Policy SU-28 (previously Policy SU-27) has been amended and a new Policy SU-29 has been added to *Section 8.7: Solid Waste/Resource Management* to reflect Council direction on the process for future reviews and updates on an integrated solid waste strategy. Staff updated the preamble of section 8.7.1 to reflect the status of the current review process. The Council motion for the new Policy SU-29 was worded to make it clear that another review would not commence immediately upon the completion of the current review.
- In relation to the Highway 101 Landfill, Policy SU-30 has been amended to include the following: “HRM may consider utilizing this strategic regional asset, if approved by Council through the Integrated Solid Waste Strategy review”.
- A new Policy, G-10, has been added to *Section 9.4: Secondary Planning Strategies* which requires that initiation reports for comprehensive secondary planning processes include a target date for bringing the matter back to Council. If the timeline cannot be met, a separate information report will have to be prepared explaining the reasons for not meeting the target date.
- Clause (d) of Policy G-16 (previously Policy G-15) has been amended to include Rural Commutershed and to clarify that “limited development” means a maximum of 20 residential units. Policy SU-14 has also been amended to reflect this limitation.



**Regional Municipal Planning Strategy – Staff Amendments**

Staff has also proposed the following amendments to the *Regional Municipal Planning Strategy*:

- The term “suburban” has been replaced with “Urban Communities”. The reasons are explained in a subsequent subsection of this report entitled “Committee of the Whole – Requests for Reports” under item 6. To ensure consistency, the term “Urban” has been applied in *Table 3-1: Future Characteristics of Urban Settlement Growth Centres*, and in policy T-11 related to modal split projections.
- *Table 1-1: Key Growth Projection Parameters* has been revised to correct projections for the number of dwelling units, labour force and commuters that were previously generated by Stantec based on a 2009 report prepared by Altus. The revisions are based on recently released data concerning household headship rates (i.e. the number of people who are counted as heads of households), and assumptions relative to labour force participation rates.
- Enfield has been removed from the list of communities requiring a Comprehensive Development District under Policy S-11 because a substantial development is occurring on the Irving-owned property.
- Policy S-28 has been added to provide policy support for allowing lot frontage exemptions under the Subdivision By-law where supported by secondary planning strategies. This does not change provisions previously approved in secondary planning strategies and the Subdivision By-law.
- The wording: “or amendments to existing secondary planning strategies to allow new developments”, has been added to Policy S-30 (previously Policy S-29) in *Section 3.6: Housing Diversity and Affordability* to ensure consistency with the wording used by other similar policies.
- Policy T-4 (previously Policy T-5) has been amended to reflect priority active transportation projects emerging from the Active Transportation Plan Review.
- The requirement for a study to determine water quality or quantity problems in an existing community (Policy SU-14 (a) (iv)) has been deleted as this policy only applies to extending water services to undeveloped lands.
- The following wording has been added to Policy SU-23 specific to underground retrofitting: “HRM shall work with utilities that have overhead wiring infrastructure to develop a design standard for underground retrofitting, and a policy respecting ownership of underground wiring under the municipal right of ways”.
- A new objective and Policy SU-27 has been added to Chapter 8 related to encouraging the development of comprehensive natural gas distribution system within HRM’s Urban Service Area. This is consistent with HRM’s *Community Energy Plan*.

- Policy G-4 has been amended to indicate that targets will be developed in association with the Plan's performance measures where appropriate, and Regional Council will be provided with annual reports.

A marked up version of the *Regional Municipal Planning Strategy*, which presents all the amendments from Draft 3 to Draft 4, can be found at: <http://www.halifax.ca/planhrm/RP5.html>

### **Update to Secondary Undergrounding Cost Estimates**

The original developer cost for the installation of secondary underground service was estimated by Stantec to be between \$2,500 and \$3,000 for a typical residential lot<sup>7</sup>. This reflected the cost to the developer and not the end user, the home owner. In discussions with the Urban Development Institute it was determined that a more accurate depiction should include the total impact for the property owners. When the full impact of undergrounding from the street to the house is calculated, the impact is approximately \$8,575. This estimate is based on the actual costing from installations in Bedford West and adjusting for markups, commissions and taxes.

<b>Base Cost of Undergrounding (Bedford West)</b>	
Developer Costs for Secondary Installation	\$3,500
Builder Cost for Excavation	\$1,900
Developer and Builder Overhead	\$1,700
Real Estate Commission (5%)	\$360
HST (net of Rebate)	\$990
Deed Transfer Tax	\$125
<b>TOTAL Cost</b>	<b>\$8,575</b>

Staff still recommend mandatory underground wiring for Urban Communities as analysis undertaken by Gardner Pinfold (Economic Impacts of Growth Related Infrastructure, October 2013) indicates the increasing the cost of housing in the \$10,000 to \$15,000 range would not significantly impact housing or location choice in HRM.

With respect to including secondary undergrounding of rural applications, based on streets in Beaverbank and Hammonds Plains subdivisions, the base cost could range from 2 times to 5 times the cost anticipated for typical urban/suburban subdivision applications. The lot size, the potential for flag lots, topography, increased pole spacing and increased house setbacks, all contribute to the increase in the cost to underground utilities in a rural subdivision. Because of the inconsistency of lot design, terrain and geology, it would be onerous to implement a mandatory requirement to underground power and telecom service connections for new streets in rural settings. It is, therefore, recommended that secondary undergrounding of overhead utilities be limited to new streets within the Urban Service Boundary.

<sup>7</sup> Staff Report, September 18, 2013 - Attachment B, Summary of RP+5 Research (pg. 6)

### **Regional Subdivision By-law Amendments**

The *Regional Subdivision By-law* (Attachment D), replaces the Regional Subdivision By-law currently in effect. The substantive changes are summarized as follows:

- For new streets constructed within the Urban Service Area (lands serviced with municipal water and wastewater systems), electrical power and telecommunication wires will be required to be installed underground from the utility pole within the street right-of-way to the individual properties in accordance with utility company specifications with termination/connection boxes at or near the street line (Section 30A). Staff had previously proposed that undergrounding of wiring be mandated in the rural areas, as well as the urban service areas. However, upon further consideration, it was determined that undergrounding in rural areas could become cost prohibitive as houses often have lengthy setbacks from the street line.
- Groundwater assessments will be required for all approved (“grandfathered”) residential subdivisions, as provided for by the *Subdivision By-law* (Sections 86A, 86B and 86C). Assessments are to be undertaken by a qualified hydrogeologist in accordance with the Nova Scotia Environment *Guide to Groundwater Assessments for Subdivisions Serviced by Private Wells*, and accompanied with a second opinion by a hydrogeologist confirming that the conclusions and recommendations contained in the report are valid and in accordance with the provincial guidelines. Any completed final subdivision applications received by the Municipality on or before Council’s first notice of intention to adopt this By-law would be exempted.
- Clarification is made as to where subdivision of lots with reduced frontage is permitted within the *Chebucto Peninsula Plan Area* (Section 45). This was done to correctly align subdivision regulations with directives of Halifax County Council in 1995.
- A provision is made under the *Subdivision By-law Section 3A* for Council to adopt and ratify the *Municipal Design Guidelines 2013*.

A marked up version of the proposed new <i>Regional Subdivision By-law</i> , which presents all amendments from the current by-law, can be found: <a href="http://www.halifax.ca/planhrm/RP5.html">http://www.halifax.ca/planhrm/RP5.html</a>
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### **Committee of the Whole – Requests for Reports**

Committee-of-the-Whole requested reports on the following matters:

- 1. Extending the riparian buffer to 30 metres and implementing the riparian buffer for any residential development within the Halifax Harbour designation.**

**Staff recommendation to #1:** Maintain the 20 metre minimum riparian buffer with the option to increase the buffer through secondary planning and continue to exempt residential development within the Halifax Harbour designation and Sheet Harbour lands within the Waterfront Residential Zone. **(Note: Lands exempted from the 20 metre setback would,**

**under the proposed plan, be required to meet elevation requirements to protect residents from storm surge).**

Proposed Policy Context for Riparian Buffer

Policy E-16 of the revised Regional Plan states the following:

*HRM shall through the applicable land use by-law, require the retention of a minimum 20 metre wide riparian buffer along all watercourses throughout HRM to protect the chemical, physical and biological functions of marine and freshwater resources. Through a secondary planning process, the width of the riparian buffer may be increased. Lands designated Halifax Harbour on the Generalized Future Land Use Map, industrial lands within the port of Sheet Harbour and lands within the Waterfront Residential (R-1C) Zone under the Shubenacadie Lakes Secondary Planning Strategy shall be exempted from the buffer requirement.*

Extending the Riparian Buffer from 20 to 30 Metres

The potential impact of increasing the riparian buffer from 20 metres to 30 metres on lands outside the Harbour Designation was measured using GIS analysis. The results indicate that an additional 21,064 hectares of land would not be available for development, resulting in a 45.75% increase in the area of land constrained by riparian buffer regulations.

While the proposed Policy E-16 maintains a minimum 20 metre riparian buffer standard, it also allows for a higher standard where secondary planning strategies have been adopted. Increased standards have been applied in the Morris-Russell Lake, Bedford West, and River-Lakes secondary plan areas. The specific application of increased buffers allows for a more tailored approach when more detailed information is available through watershed studies and conversations with local communities.

It is also important to note that Regional Plan Review (Policy E-13) also proposes a minimum 30.5 metre riparian buffer in the Protected Water Supply Zone around water supply sources. This policy is in response to a specific request from Halifax Water.

A study commissioned by two provincial departments, Nova Scotia Environment and Nova Scotia Fisheries and Aquaculture, titled *Setbacks & Vegetated Buffers in Nova Scotia: A Review and Analysis of Current Practice and Management Options (May 2012)* confirms that Nova Scotia does not have a province-wide riparian buffer requirement for all land uses, as is often found in other jurisdictions (e.g. New Brunswick, PEI). The study evaluated a number of approaches adopted by various jurisdictions across Canada, the United States and elsewhere for determining appropriate riparian and coastal buffers and setbacks. In most jurisdictions, these setbacks and buffers vary between 20 and 30 metres. The study did not recommend a hard number, but rather a ten-step decision-making framework for designating riparian and coastal buffers which may be used during secondary planning processes.

Implementing a Riparian Buffer for Residential Development within the Harbour Designation

Existing Physical Context

With respect to the coastline of the Harbour Designation, a riparian buffer is deemed to be an impractical and unnecessary requirement. The vast majority of the Halifax Harbour coastline, including residentially zoned or developed properties, is characterized by hardened infrastructure in the form of seawalls, jetties and boardwalks, and little or no vegetative buffer has been retained. In terms of the Northwest Arm, a similar situation exists although not to the same extent. As with the Harbour proper, many private properties on the Arm were cleared to the water's edge and their shoreline hardened with seawalls. Therefore, instituting a mandatory 20 or 30 metre non-disturbance riparian buffer for the Harbour Designation is not justified.

Potential Impact

Expanding the riparian buffer (either to 20 or 30 metres) to properties which include a residential component within the Harbour Designation would render a large number of existing buildings non-conforming. This would include Bishop's Landing, the existing buildings at King's Wharf, a large portion of Regatta Point, a number of multi-residential buildings along the Bedford Waterfront, and hundreds of homes on the North West Arm, in Dartmouth, and in Bedford. Expanding the riparian buffer would also negatively impact planned or proposed future residential developments along the Halifax, Dartmouth and Bedford waterfronts. These include:

- proposed redevelopment of the Cunard Site, parking lot located to the south of Bishop's Landing,
- additional buildings at King's Wharf (approved through a development agreement, but which have not yet received municipal permits), and
- future redevelopment of Dartmouth Cove.

Existing and Proposed Protection against Sea Level Rise

The main concern for residential development within the Harbour Designation is not specifically related to the horizontal setback from the water's edge, but rather to the elevation. The expected sea level rise, more frequent and severe storm events over the coming decades, coastal subsidence and climate change impacts related to global warming will make these lands more vulnerable to storm surge events.

The current Regional Plan prohibits residential development, apart from those located within the Harbour Designation, from being established along the coast at an elevation of less than 2.5 metres above the ordinary high water mark (OHWM). The revised Regional Plan is proposing to replace the existing system of elevation above the OHWM with a more precise Canadian Geodetic Vertical Datum (CGVD) standard. A CGVD 28 value of 3.8 metres is being proposed. The 3.8 metres CGVD 28 value is nominally higher than the 2.5 metres above OHWM, and it better reflects potential impacts of future sea level rise and storm surge events. The revised Regional Plan expands this control on elevation to residential uses located within the Harbour Designation.

Policy E-22 of the revised Regional Plan will also allow for the consideration of future amendments to land use by-laws where an updated system of measurement has been adopted, where studies recommend that amendments are prudent to provide a reasonable level of safety, or to conform with new provincial guidelines or statements of interest.

*Existing Protection for Northwest Arm*

In 2007 Regional Council approved specific requirements to protect the aesthetic character and traditional built form of the Northwest Arm. The Northwest Arm regulations were developed following substantial stakeholder and public consultation and were developed to address the absence of:

- restrictions against the use of in-filled water lots in lot area calculations,
- land use regulations preventing the erection of buildings on wharves, piles or similar type structures,
- adequate setback from the Arm, and
- proper controls over the use of water lots once they become land.

The approved amendments to the *Halifax Peninsula and Mainland Land Use By-laws* included:

1. The creation of a new designation and zone (Water Access) which limits the use of land created by infilling of the Northwest Arm to wharves, docks, historic sites and monuments, passive recreation uses, public works and utilities, and ferry terminal facilities.
2. The establishment of a 9 metre (30 foot) setback from the Northwest Arm in which only boathouses, public works and utilities, ferry terminal facilities, parks on public lands, historic sites and monuments, wharves, docks, gazebos and existing structures are permitted. The four existing boat/sailing clubs were exempt from the setback regulation.
3. Control over the size, height and number of boathouses and gazebos that can be erected within the 9 metre (30 foot) setback from the Arm.
4. A restriction in using water lots for lot area and setback calculations.
5. A restriction against the erection of buildings on wharves, pillars, piles, or any other type of structural support located on or over a water lot. Public works, public utilities and ferry terminal facilities are exempt from this restriction.

During the development and drafting of these amendments, planning staff did look into the possibility of extending the 20 metre riparian buffer to the Northwest Arm, but again, deemed it impractical for the reasons listed above.

Recently, staff revisited the issue of introducing a riparian buffer for the Arm after a large treed property adjacent to Sir Sandford Fleming Park (commonly known as the Boscobel Road property), was cleared of most of its trees. It became apparent that even in this case a riparian buffer would not have prevented the clearing of the land as it occurred prior to the development permit application being submitted for approval. Currently HRM is only able to enforce a riparian buffer if it is related to an actual development.

However, it should be noted that Policy E-19 of the revised Regional Plan proposes the development of a by-law to protect existing trees and manage the retention and the removal of existing trees within riparian buffers. This bylaw would be in force at all times and would not tie

protection to development activity. This by-law would be in force at all times and would not tie protection to development activity.

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**2. Adding Spryfield, Musquodoboit Harbour, Eastern Passage/Cow Bay, Hubbards, Cole Harbour, Main Street Westphal and Fairview to the list communities being considered for a community planning process**

**Staff recommendation to #2:** Maintain the list of priority communities identified in the Sept. 18, 2013 staff report with the exception of Birch Cove and Bedford Waterfront and add the communities of Fairview, Cole Harbour Road and Westphal, and to also include the community of Beaverbank.

Staff recommended the following communities for Secondary Planning in the September 18, 2013 staff report.

- Regional Centre
- Port Wallace
- Birch Cove
- Bedford Waterfront
- Middle Sackville
- Fall River
- Porters Lake
- Upper Tantallon
- North Preston

The discussion below outlines reasons for a revised proposed schedule of secondary planning processes. The proposed revised list includes Phase 1 and Phase 2 communities:

Phase 1 [To commence on adoption of the Regional Plan]	Phase 2 [To commence in 2016]
<ul style="list-style-type: none"><li>• Regional Centre</li><li>• Port Wallace</li><li>• Middle Sackville</li><li>• Fall River</li><li>• Beaverbank</li><li>• Porters Lake</li></ul>	<ul style="list-style-type: none"><li>• Bedford Waterfront</li><li>• Birch Cove, (Bedford Basin)</li><li>• Upper Tantallon</li><li>• Fairview</li><li>• Cole Harbour</li><li>• Westphal</li><li>• North Preston</li></ul>

Phase 1 communities are growing and have development pressure within their boundaries. The Regional Centre Plan is a high priority project integral to the realization of key Regional Plan policies. Council has previously directed the initiation of secondary planning for Port Wallace. Middle Sackville, Fall River, Porters Lake and Upper Tantallon are all experiencing development pressure and should be given a high priority for plan review. Beaverbank, discussed in more detail below (see section titled Requests of Regional Council for Boundary

Extensions), has been added. Secondary Planning in Beaverbank would include a costing of all relevant services including the completion of Margeson Drive to relieve congestion on the Beaverbank Road. These costs would be recovered through capital cost contributions from landowners made at the time of subdivision approval.

Secondary planning for Birch Cove and Bedford Waterfront will be delayed due to a motion made by Regional Council on December 10, 2013 to defer public consultation until the Regional Plan Five Year Review, the Five Year Transit Review, and the Commuter Rail Study are completed, and a decision is made on development charges for transit and transportation.

Fairview, Westphal and Cole Harbour areas should be explored as resources become available with completion of plans for the Phase 1 communities. North Preston, while not under the same development pressures as some of the other communities, has servicing issues and is currently being analysed through the Preston Area Watershed Study.

#### Spryfield

The Spryfield Community Vision was completed in 2009. The outcomes of the vision are largely community led, and municipal planning strategy and land use by-law amendments were not required to implement the vision. The population in this area is relatively stable and is largely unchanged from 2006. Staff is not recommending that secondary planning proceed in Spryfield at this time.

#### Fairview

Fairview is located at the boundary of the Regional Centre, is well served by Metro Transit and has shown significant population growth (17%) since 2006. Staff received numerous requests to amend the *Halifax Municipal Planning Strategy* for the community of Fairview to allow for greater growth around the Dutch Village Road area indicating a degree of urgency to review the land use policies. The development pressures in this community should be addressed through a comprehensive solution that encourages mixed-use and complete communities. Staff recommend that the review of plan policy for Fairview proceed and be modelled on the design-based regulatory approach to be developed for the Regional Centre. This approach would require a further amendment to the Municipal Charter, to extend the design based options to the Fairview area. Staff recommend that the Fairview area be added to the Phase 2 list of priority communities for secondary planning.

#### Cole Harbour Road

The Cole Harbour Road area is also located within the Urban Service Area and is served by Metro Transit. Current land use policies pose barriers to development and can no longer address current development pressures and residents' aspirations for a more complete community. The area is serviced by the Eastern Passage Wastewater Treatment Facility which has been over capacity for many years, limiting development in this area. The treatment plant has been recently upgraded to address current as-of right development. One additional expansion is possible for the plant and this should be considered further to a community planning study identifying appropriate densities for development. The review could also consider commercial development, parking standards and changes to the design, bulk and scale of buildings in this community. The corridor approach recently used for Main Street, Dartmouth would also be



appropriate in this area. Staff recommend that the Cole Harbour Road area be added to the Phase 2 list of priority communities for secondary planning.

Highway #7, Westphal

Highway #7 in Westphal, an extension of Main Street, is an area dominated by highway commercial uses. There are several planning applications in process, with requests for approximately 300 dwelling units to be developed on Lake Loon. Should these applications proceed, it may be appropriate to consider changes to the community plan. Staff recommend a review of the commercial policies affecting these lands, to commence following the completion of secondary planning in Fairview and along Cole Harbour Road (Phase 2).

Eastern Passage/Cow Bay

The population of Eastern Passage has been growing and there has been an increase in planning applications. However, there are significant challenges to development in this region related to transportation, servicing and the environmentally sensitive lands. There are significant watercourses and wetlands in this plan area that are currently protected in the Eastern Passage/Cow Bay community plan. As indicated above, the Eastern Passage Wastewater Treatment Facility has been over capacity for many years, limiting development in this area. The treatment plant has been recently upgraded to address current as-of right development. Further capacity could be made available with an additional upgrade to the plant. It is anticipated that the connector road from Mount Hope Avenue to Caldwell Road will be built, which could create new opportunities for development. Staff recommend a secondary plan review in this area once this connector road is approved for construction on lands owned by the Department of National Defence.

Hubbards

The population in Hubbards has remained fairly constant in the past 5 years and is not expected to significantly increase. There is little development pressure in this area. Some localized piped servicing has been proposed to respond to some treatment issues. Anticipated increases to the population could be accommodated by existing land use policies. Staff do not recommend initiating a planning process in Hubbards at this time.

Musquodoboit Harbour

Community Visioning was completed in Musquodoboit Harbour in 2007. A servicing study indicated that the cost of servicing the village centre would be prohibitively expensive. The community has taken the lead to implement many of the actions contained in the Vision and Action Plan. Staff do not recommend a review of plan policy in Musquodoboit Harbour at this time.

Moose River

A gold mine is expected to open in Moose River, which could employ approximately 75 people. It is anticipated that the work force will largely come from the surrounding communities. Development activity resulting from this resource activity can be absorbed using existing land use policy. Staff do not recommend a review of plan policy in Moose River at this time.

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**3. Request for staff report regarding implications of extending sewer service boundary areas over current water service boundaries throughout HRM**

Extending sewer boundaries over current water service boundaries may be very costly for property owner or HRM and should only be considered after all costs and benefits have been fully explored through review of alternative options and detailed land use and infrastructure analysis. Undertaking the required analysis would be expected to require significant budgetary expenditures for consulting services as well as substantial staff resource time for consultations and reporting.

The Regional Subdivision By-law requires any new development within the Urban Service Area be connected to the public water distribution and wastewater collections systems (there are several areas where exceptions are made) at the cost of the owner. Similarly, new developments within the Water Service Area boundary are required to connect to a public water distribution system at the owners' expense. There are several implications of extending the Urban Service Boundary to align with Water Service Area Boundaries.

- Firstly, any new developments would be required to connect to both the public water and wastewater systems. As most lands currently within Water Service Areas are not in close proximity to public wastewater systems, connection would be cost prohibitive to property owners.
- Secondly, existing residents within Water Service Areas would expect that a public wastewater system would be installed. Recent experience suggests that the cost of retrofitting existing subdivisions with municipal water and wastewater services is very expensive.

An engineering study completed in 2013 for the Purcell's Cove area estimated the cost of extending municipal water and sewer services at \$17,500 to \$73,000 per property, depending on the servicing scenario. A study undertaken in 2007 for Fall River estimated the cost of installing a public wastewater system at \$48,000 to \$60,000 per property under a low density scenario.

Based on GIS civic address data, it is estimated that there are currently over 6,200 developed properties within Water Service Areas, most of which are single unit dwelling in a low density development pattern. Assuming an average connection cost of \$30,000 per property, the total cost of connecting all existing developments would be roughly \$186 million.

Halifax Water would not be able to justify charging the existing customers for the cost of extending wastewater services to a specific area, therefore the cost would have to be assumed by the benefitting property owners, HRM, senior levels of government or any combination thereof.

Extension of municipal wastewater services to existing development within Water Service Areas should therefore only be considered on a case by case basis with the most likely reason be failing on-site sewage disposal systems. Before any decisions are made, alternative solutions with associated costs would have to be investigated, as well as cost allocation.

**4. Including “Strategic Regional Plan Objectives & Implications” as a section to staff reports.**

**Staff recommendation to #4:** Council can direct inclusion of a new section to staff reports; no changes to the Regional Plan are required.

If directed by Council, a section could be added to staff reports as has been done with “Community Engagement”, “Environmental Implications”, and “Financial Implications”. This would not be expected to add significantly to staff workload, and would require staff to consider and articulate Regional Plan implications in reports where it is appropriate to do so (i.e.; infrastructure investments, planning reports, etc.).

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**5. Securing a legal opinion regarding the extent to which Halifax Water is bound to comply with the Regional Plan, Municipal Planning Strategies and Land Use By-laws and options for requesting legislative amendments to ensure Halifax Water is subject to the Regional Plan, Municipal Planning Strategies and Land Use By-laws**

**Staff recommendation to #5:** A separate report is forthcoming to Council; no changes required.

At the January 15, 2013 meeting of Regional Council, a motion was approved that staff provide a report to:

1. Clarify the current governance framework respecting Halifax Water and the authorities of Regional Council; and
2. Provide options, including consideration for realignment of the organizational reporting structure, and/or responsibility transfer, to improve governance, accountability, communication, policy, public service and public infrastructure, and the authority of Regional Council to direct such.

At the December 3, 2013 Regional Council meeting, a motion was passed to direct staff to:

1. Jointly, with Halifax Water, prepare by February 2015, an Integrated Stormwater Policy, including an accountability matrix with respect to stormwater management; and a five-year stormwater infrastructure capital program with permanent funding options, for the consideration of Council and, subject to Council approval, review by the Nova Scotia Utility and Review Board (NSURB); and
2. Provide semi-annual updates to the Environment and Sustainability Standing Committee and the Board of Directors of Halifax Water on completion and progress on identified outstanding responsibilities in the accountability matrix.

As per these directions, updates will be provided and recommendations prepared for consideration by Council which will address the issues identified, including legal ramifications.

- 6. Request staff report assessing the definition of suburban and regional centre in regard to growth targets, the assumptions and rationale which need to be evaluated to ensure that they reflect the objectives in the Regional Plan such as “focus new growth in centres where supporting services and infrastructure are already available”**

**Staff response to #6:** Replace the use of the term “Suburban” with the term “Urban”; replace the term “Inner Suburban” with “Inner Urban” and replace the term “Suburban/Rural Edge with “Outer Urban”.

The question of defining the Regional Centre and surrounding suburban communities has been raised a number of times through the RP+5 process. Staff recognize there is a need for a clear and consistent terminology in both planning and tax policy that reflect the vision for urban and suburban communities with regard to land use form and function, and the services residents may expect from HRM.

#### Tax Boundaries

Staff will be returning to the Committee of the Whole in early 2014 with a report on the “urban,” “suburban” and “rural” tax boundaries, and on local community facilities. The difference between the three general tax rates has declined significantly over the past 10 years. For instance, fire services, streetlights and crossing guards have all been included in the overall general tax rate and transit services has been removed from the urban rate. As a result, only sidewalks differentiate “urban” from “suburban” rates. Recreation funding is the only discrepancy between “suburban” and “rural” areas. Staff will use the area rate framework approved by Council in 2013 to consider changes in recreation taxation and in tax boundaries.

#### Land Use Policy

The purpose of using terms such as “urban”, “suburban” and “rural” in a land use document such as the Regional Plan is twofold: to recognize and protect the current character of a given community and to convey a vision for its future growth and development.

#### Regional Centre

Regional Centre is spatially defined in the Regional Plan on Map 1. The *HRMbyDesign* Vision statement adopted by Council states the Regional Centre is the “symbolic, historic and functional heart of the Halifax Regional Municipality”. It is the economic hub, capital district, educational and health centre, and cultural heart. The Regional Centre enjoys the highest rates of pedestrian movement and transit use, with an urban fabric that includes the downtown cores of Halifax and Dartmouth, and their original suburban neighbourhoods. The revised draft Regional Plan targets at least 25% of new growth to the Regional Centre and directs the Centre Plan to develop detailed policies to achieve the vision statement and guiding principles endorsed by Regional Council.

#### Urban Communities

The Regional Plan’s Urban Settlement Designation encompasses those areas where serviced development exists or is proposed. Piped services such as central water and wastewater will enable higher density development within the life of the Plan. The current Urban Service Area is

established in the Regional Subdivision By-law (Schedule B)<sup>8</sup>, and is mirrored by the proposed Urban Transit Service Boundary, emphasizing a desire for higher density, mixed use communities that can serve the needs of residents, and be efficiently served by mass transit.

Members of Council observed that some of these communities, particularly those at the edge of the Regional Centre, already reflect many of the characteristics of mature urban areas such as medium to high densities, mixed land use, attractive pedestrian environment and transit service. Other communities would like to move towards being more complete communities, a trend observed in Canada and world-wide. ‘Today’s suburbs are diverse, housing a range of people and uses’<sup>9</sup>. Several recent trends will encourage suburban transition, including:

- Rising energy costs
- Falling incomes and shifting wealth
- Tighter home financing
- Withdrawal of government subsidies for low-density development
- Changing housing and community preferences
- Falling household size and population growth<sup>10</sup>

The question raised by Council concerns whether the Regional Plan should continue to use the term “suburban” in the characterization of its growth centres within the Urban Settlement Designation. Staff support abandoning the term in favour of “urban”. Existing Suburban District and Suburban Local Centres could be re-named as Urban District and Urban Local Centres to recognize the long-term vision for these communities as more compact, attractive, healthy and accessible places to live, work and play. Planning policies and capital investments could then focus on accommodating more urban developments within both existing and new communities, while also maintaining the distinct focus on the Regional Centre.

	<b>Regional Centre</b>	<b>Urban Communities</b>
<b>Geographic Area</b>	Halifax Peninsula and Dartmouth between the Halifax Harbour and the Circumferential Highway and as defined on <i>Map 1: Settlement and Transportation</i> of the Regional Plan.	Defined on Regional Plan Map 2 as Urban Settlement Designation outside the Regional Centre, and Schedule B of the Regional Subdivision By-law.
<b>Growth Targets</b>	At least 25% of the region’s growth (in dwelling units) by 2031.	At least 75% of the region’s growth (in dwelling units) by 2031, with at least 25% of the 75% in the Regional Centre.
<b>Trips to Work Assumptions</b>	Regional Centre: 56% Active Transportation and Transit in 2006, projected to increase to 60% in 2031.	Inner Urban: 19% Active Transportation and Transit in 2006, projected to increase to 26% by 2031; Outer Urban: 11% Active Transportation and Transit in 2006, projected in increase to 14% by 2031

<sup>8</sup> HRM Regional Subdivision By-law [http://www.halifax.ca/regionalplanning/documents/Regional\\_SBL.pdf](http://www.halifax.ca/regionalplanning/documents/Regional_SBL.pdf)

<sup>9</sup> Grant, Jill. L. 2013. Suburbs in Transition. Planning Theory and Practice. Vol 14, No. 3, p. 391.

<sup>10</sup> Nelson, A.C. 2013. The resettlement of America’s suburbs. Planning Theory and Practice. Vol 14, No. 3, 392-403.

	Regional Centre	Urban Communities
<b>Planning Assumptions and Characteristics</b>	A mix of high to medium density residential, commercial, institutional and recreation uses. Low to medium density in areas adjacent to established residential neighbourhoods.	A mix of low, medium and high density residential, commercial and institutional uses. Low to medium density in established neighbourhoods.
<b>Growth Centres</b>	1 Regional Centre – no change	2 Regional District Growth Centres (formerly Urban District Growth Centres)  4 Regional Local Growth Centres (formerly Urban Local Growth Centre)  9 Urban District Growth Centres (formerly Suburban District Growth Centres)  14 Urban Local Growth Centres (formerly Suburban Local Growth Centres)
<b>Future Work</b>	Completion of the Centre Plan.	Initiation of new secondary planning strategies and amendments to existing planning strategies.
<b>Rationale</b>	Vision and Guiding Principles of <i>HRMbyDesign</i>	Vision of complete and transit-oriented communities; changing nature of suburban communities.

## 7. Include Lake Eagle as a Regional Park in Regional Plan Table 2-3

**Staff recommendation to #7:** Review Lake Eagle lands as part of the Greenbelting and Open Space Priorities Plan analysis.

Lake Eagle is a 100 hectare lake located in the Partridge River watershed between the communities of North Preston, East Preston, and Lake Echo. The area is currently under study as part of the Preston Area Watershed Study. The 2006 *Model for Assessing Cultural Heritage Values in East Preston* identified parts of the eastern shore of Lake Eagle as having medium to high cultural significance. The area is also considered as part of a natural corridor connecting Cole Harbour to Lake Major, Waverley-Salmon River Long Lake Wilderness Area and the Tangier Grand Lake Wilderness Area.

There is considerable community history in the use of these lands, and ongoing interest in enhancing recreational access to the lake through the development of a trail network and water contact recreation, currently lacking in the community.

Significant provincial land holdings are in existence on the western side of the lake. In 1981, approximately 98 hectares were expropriated by the provincial government for the purpose of establishing a residential area and compatible mixed-use development. Housing Nova Scotia has confirmed that it continues to hold the land for the purpose of future residential development. The development and management of regional parks typically depends on a strong collaboration between HRM and senior levels of government. Lake Eagle has not been identified for protection by the provincial *Our Parks and Protected Areas* strategy released in 2013.

The Regional Plan states that the primary purpose of the Regional Parks system is to “preserve and protect significant natural and cultural resources”, and “to serve the educational, cultural and recreational needs of the population of the entire region as well as visitors to HRM” (Table 2-2). The Draft Plan also states that further planning for regional parks will take place in conjunction with the *Greenbelting and Open Space Priorities Plan*.

Current information does not warrant a designation of Lake Eagle as a Regional Park. Staff recommend that an analysis of the Lake Eagle lands be included as part of the *Greenbelting and Open Space Priorities Plan* to assess its suitability for a regional, district or local park status.

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### **Requests of Regional Council for Boundary Extensions and Re-Designations**

#### **1. Removing the community of Beaver Bank and the Hammonds Plains Road from Regional Plan Policy S-24 and aligning water and waste water on specific properties in Beaverbank.**

**Staff recommendation:** Staff recommends that a secondary planning process be initiated for the community of Beaverbank.

##### **A. Removal of Beaverbank from Growth Controls**

Policy S-25 of the current Regional Plan states that development within portions of the Hammonds Plains and Beaver Bank communities is to be limited through the subdivision by-law. The subdivision by-law establishes Schedule J over these communities within which no residential subdivision is to be permitted on new streets except where the streets could serve to enhance traffic safety, as determined by the Engineer.

These restrictions were based on an engineering assessment undertaken in 2004 which determined that traffic volumes on the Hammonds Plains Road and Beaver Bank Road had reached a level where entry from driveways and stop-controlled side streets had become impractical and unsafe. If the development restrictions are removed, traffic problems would be exacerbated unless an alternative solution is found.

The solution may include the construction of a parallel roadway to absorb some of the traffic loading, or establishing growth controls within the contributing lands to arrest the growth of traffic. Functional plans have been developed to parallel both of the high volume corridors:

Highway 113 to parallel Hammonds Plains Road and Margeson Drive (originally called the Beaver Bank Bypass) to parallel the Beaver Bank Road.

Construction of the section of Margeson Drive parallel to Beaver Bank Road is a municipal project and would require collection of capital cost contributions on new developments. The development charge would be determined through analysis undertaken as part of the proposed secondary planning process.

The proposed Highway 113 is a provincial project and Staff understands it is a low priority for construction. Secondary Planning in Hammonds Plains should be undertaken after schedule construction of the proposed road has been announced by the Province.

**B. Inclusion of Specific Properties in Water/Wastewater Service Area Boundary  
(Beaverbank & Hammonds Plains Road)**

At the November 12, 2013 Regional Council meeting, a motion was put forward to remove parcel PIDs #00500967 and #0048694 from Schedule J of the Regional Plan and align the sewer/water service boundary to include both lots. The motion was deferred pending receipt of a staff report.

These properties are illustrated on Map 1 attached to this report. Some of the implications of removing these lands from Schedule J of the Subdivision By-law, including approximate cost, are addressed on pages 17-18 of this report. Both properties are within the Water Service Area boundary and abut the Urban Service Area boundary.

Including these lands within the Urban Service Area may appear practical as connections could be made to existing water and wastewater pipes with the cost assumed by the property owners. However, the downstream wastewater system is known to have overflow problems which may be exacerbated by the additional loading. Halifax Water has also advised that the sewer main servicing this community was not designed to accommodate development from additional lands. If HRM includes these properties within the Urban Service Area boundary without consideration of these problems, it may have to assume financial responsibility for any upgrades required.

Policy SU-4 of the revised plan establishes criteria (largely un-changed from the 2006 Plan) for considering Urban Service Area expansions:

*SU-4 When considering any expansion of the Urban Service Area, HRM shall have regard to the following:*

- (a) that a Secondary Planning Strategy for the lands to be included within the Urban Service Area has been adopted by HRM except that this requirement may be waived where, in the opinion of HRM, the proposed extension represents a minor adjustment to the Area;*
- (b) the financial ability of HRM to absorb any costs relating to the extension;*
- (c) if required, a watershed or sub-watershed study has been completed in accordance with Policy E-23;*



- (d) that, if required to pay for growth-related municipal infrastructure costs, a municipal infrastructure charge area has been established or is adopted concurrently with the boundary amendment;*
- (e) the need to oversize the water, wastewater or stormwater systems to allow for future development within an Urban Settlement or Urban Reserve designation; and*
- (f) a charge needed to pay for growth related improvements to the water, wastewater or stormwater systems has, where required, been approved by the Review Board.*

The interests of HRM would be best served by adhering to this policy by conducting proper analysis of both planning and infrastructure cost implications. Staff recommend that the Beavertown community be added to the list of Phase 1 communities where a secondary planning process should be initiated.

## **2. Re-designate and Re-zone Specific Properties in Purcell's Cove**

**Staff recommendation:** Staff recommend against the request. Council may wish to identify these lands as a priority for consideration in a future Regional Plan Five-Year Review as there is currently no need to expand the supply of land for this type of development.

At the November 25, 2013 Regional Council meeting, Councillor Adams tabled a letter of petition from Mr. Peter M. Rogers Q.C., McInnes Cooper Lawyers, on behalf of 10 property owners who abut Purcell's Cove Road. The letter, presented as Attachment I, formally requests that these properties be re-designated under the Regional Plan (RP+5) from "Urban Reserve" to "Rural Commuter" and be re-zoned to Holding Zone under the Mainland Halifax Land Use Bylaw. Councillor Adams requested the matter be considered in the ongoing review of the RP+5.

### Current Status

When the Regional Plan was adopted in 2006, these properties were designated as Urban Reserve and zoned Urban Reserve under the Mainland Land Use Bylaw. The Urban Reserve designation is intended to ensure that a supply of land is available for serviced development over a longer term and has been applied to lands situated outside the Urban Settlement Designation where serviced development may be provided after the life of the Plan (2031). The Purcell's Cove area backlands are one of seven areas identified for Urban Reserve Designation.

Under the Halifax Municipal Planning Strategy, these lands are designated Residential Development District where residential development areas are to be "planned and developed as a whole or in phases under a unified site design, providing a mix of residential uses and related recreational, commercial and open space uses, with an emphasis on a mix of residential unit types".

The lands have not been extensively assessed for suitability for development which would require additional study and comprehensive community consultation and planning.

In the spring of 2011, Regional Council initiated a Purcell's Cove Servicing Feasibility Study to address concerns regarding water supply quantity and quality, to determine the planning rationale for future community growth and to provide cost estimates for the extension of central

services. One of the subject properties of the attached request was considered as a potential development site. The owner, Clayton Developments, proposed 1,200 units on the 140 hectare (343 acre) parcel with the introduction of central services; staff recommended that the development potential be limited to 600 units, in keeping with the lower density nature of the surrounding community.

In the fall of 2013, an information report<sup>11</sup> to Regional Council detailed the study findings and concluded that public consultation demonstrated that the majority of property owners are not supportive of extending central services. A Traffic Impact Analysis identified existing and proposed traffic conditions that would be exacerbated by additional development in this area.

After the report was tabled with Council, no direction was given to proceed with any further planning initiatives for these lands.

#### Current Development Rights

The as-of-right development capacity for these properties is limited by the Urban Reserve zone which only permits open space uses and residential uses on existing parcels. There is no ability to subdivide the lands as new lots would not be considered existing and the Development Officer would not be able to issue a permit to develop the lots for residential uses. The RDD designation enables Council to consider a comprehensive development plan (Master Plan) for the properties; however this is contingent upon connection to central water and sewer services. Until such time as services are extended, the area is essentially in a holding zone.

#### The Proposed Regional Plan

Under the proposed Regional Plan, the Halifax and West Community Council could consider an amendment to the Mainland Halifax Land Use By-law to allow for a residential development of up to 20 dwelling units on any property within the Urban Reserve Designation pursuant to the provisions of Policy G-16.

#### Development Rights if the Request was Granted

The request to re-designate as Rural Commuter and re-zone to Holding Zone would open up considerable development options. The Holding Zone would enable as-of-right subdivisions provided the lots meet frontage requirements (15.24 m) and the minimum lot size requirements (465 m<sup>2</sup> or 5,000 ft<sup>2</sup>) under the land use by-law (likely greater to meet requirements for on-site servicing). The lands could also be eligible to create new lots without frontage under Section 38 of the Regional Subdivision By-law. Re-designation as Rural Commuter would enable application for subdivision approval to create 8 lots on a new public street for lands in existence prior to August 26<sup>th</sup>, 2006, where the proposed road intersects with a local road (RMPS policy S-23).

A Rural Commuter Designation would make these properties eligible for conservation design developments (formerly open space design) under the proposed Regional Plan. The lands would be eligible to apply for a development agreement for Policy S-15 (Lower Density Classic Conservation Design), to a maximum of 100 units on lots with 20 metres of continuous road frontage and Policy S-16 (Hybrid Conservation Design) to a maximum of 30 units with 20

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<sup>11</sup> <http://www.halifax.ca/council/agendasc/documents/131029ca1131.PDF>

metres of continuous road frontage. An initial review of the subject properties indicates that possibly only 5 of the 10 properties have road frontage. Of these properties, PID# 00052407 (140 hectares) and PID# 00269282 (62 hectares) are large enough to possibly maximize to the 100 lots available under the Conservation Design Development policy. PID# 41342080 (4 hectares), PID# 00270934 (1.6 hectares) and PID# 00269753 (7 hectares) could be eligible for additional lots, especially if the properties were consolidated under one development agreement.

#### Rationale for Request

In the attached letter (Attachment A) the applicant argues that the 2006 designation to Urban Reserve removed all development ability as larger scale options under this designation are tied to provision of municipal services. Based on the Purcell's Cove Servicing Feasibility Study, public commentary and the RP+5 focus on the urban core; the applicant contends that services will not be extended to the area for the next 50+ years. A return to their pre-Regional Plan ability to develop with on-site services would provide the property owner with more development options. This is a reduced request from their July 19, 2013 request to CDAC for re-designation to Urban Settlement, which would have opened the possibility of more dense, urban forms of development.

#### Staff Recommendation

Circumstances have not changed significantly since 2006 to warrant the re-zoning and re-designation of the properties in question. As indicated in the November 25, 2013 staff report HRM currently has approximately 28 to 35 year supply suburban land. While Urban Service Boundary expansions are not required at this time, urban-styled development is the most appropriate form of development for these lands given its close proximity to the Regional Centre. Regional Plan does not consider these lands as being suitable for rural development. Public engagement through the Servicing Feasibility Study and the Regional Plan 5 Year Review (RP+5) demonstrated substantial resistance to large scale development of these properties. Public engagement for RP+5 received 45 individual written submissions from citizens and organizations seeking protection for the Purcell's Cove backlands.

Any move to change the development potential of these lands should be based on a greater understanding of the environmental constraints, their value as part of HRM's natural corridors (to be considered through the *Greenbelting and Public Open Space Priority Plan*), implications of development for mobility concerns and the broader road network, and the lands significance for future growth at the conclusion of the life of the Regional Plan (2031). Council may, however wish to identify these lands as a priority for consideration in a future Regional Plan Five-Year Review process.

#### **FINANCIAL IMPLICATIONS**

There will be financial implications to projects identified by the revised Regional Plan, if implemented by Council. It should be noted, however, that Section 232(2) of the HRM Charter states that the adoption of a municipal planning strategy does not commit the Council to undertake any of the projects suggested in it.

Where projects are brought forward for approval, the financial implications will be addressed in

a staff report.

The Regional Plan staff review and public consultation has been adequately funded by Project No. CDG01283 – Regional Plan 5-year Review.

Budgets and potential funding sources to carry out the strategies identified through policy development will be brought forward in future reports.

Long-term financial implications arising from changes to the Regional Plan will be incorporated in the regular Operating and Project Budget cycles.

## **COMMUNITY ENGAGEMENT**

An extensive public engagement program was undertaken in preparing the revised Regional Plan. A summary of this program is included in the September 18, 2013 staff report<sup>12</sup>. It describes engagement activities, how input was collected, the key issues raised by stakeholder groups and members of the public, and how the input influenced CDAC deliberations and policy development. The engagement program was based on the CPED-approved Communication and Community Engagement Plan, outlined in the February 9, 2012, staff report. Details and additional background information can also be found at <http://www.halifax.ca/planhrm/RP5.html>

## **ENVIRONMENTAL IMPLICATIONS**

The five-year review addresses the environmental implications of growth and development through a focus on sustainable solutions, an enhanced role for the Regional Centre, improved suburban and rural community design, and ensuring land use and transit/active transportation are mutually supportive. The core principles of the revised Regional Plan include :

- Preserve and promote sustainability of natural assets.
- Manage development to make the most effective use of land and energy.
- Ensure opportunities for the protection of open space, wilderness, natural beauty and sensitive environmental areas.

These principles are enshrined in policies throughout the document. The most detailed are found in Chapter 2: Environment, Energy and Climate Change.

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<sup>12</sup> <http://www.halifax.ca/boardscom/documents/AttachmentC-RP5CEReportFinal.pdf>

## **ALTERNATIVES**

The Heritage Advisory Committee may choose to:

1. Recommend that Regional Council give first reading and set a date for a public hearing to consider the amendments attached to this report. This is the recommended approach.
2. Forward this report to Regional Council with any suggested changes to the attached amendments and request changes before Council considers first reading.
3. Recommend against adoption of the Plan.

The Design Review Committee may choose to:

1. Recommend that Regional Council give first reading and set a date for a public hearing to consider the amendments attached to this report. This is the recommended approach.
2. Forward this report to Regional Council together with any suggested changes to the attached amendments and request changes before Council considers first reading.
3. Recommend against adoption of the Plan.

Regional Council may choose to:

1. Give first reading and schedule a public hearing to consider the amendments attached to this report. This is the recommended approach.
2. Not adopt the proposed revised Plan or instruct staff to undertake further changes before adoption. The nature of the proposed changes would determine whether or not additional public consultation would be required prior to final adoption.

## **ATTACHMENTS**

Map 1:	Request 1 (Beaverbank) Property PIDs #00500967 #0048694
Map 2:	Request 2 (Purcell's Cove) PIDs #41342080, #41221680, #00270934, #41044074, #41342106, #00052407, #41342098, #40060410 and #00269282)
Attachment A:	Draft 4 Regional Municipal Planning Strategy
Attachment B:	By-Law to re-adopt the 2006 Regional Plan Community Plans and Land Use By-Law Amendments (as amended)
Attachment C:	By-Law to Amend the Halifax Regional Municipality Secondary Planning Strategies
Attachment D:	By-Law to Repeal and Replace the Regional Subdivision By-Law
Attachment E:	By-Law to Amend the Land Use By-Laws

Attachment F:	By-law to Amend Heritage Property By-law H-200
Attachment G:	By-law to Amend the Barrington Street Heritage Conservation District Revitalization Plan
Attachment H:	By-law to Amend the Heritage Conservation District (Barrington Street) By-law H-500
Attachment I	Letter from Mr. Peter M. Rogers Q.C., McInnes Cooper Lawyers, on behalf of 10 property owners who abut Purcell's Cove Road

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

Report Prepared by: Paul Morgan, Senior Planner, Planning Services 490-4482  
Susan Corser, Project Coordinator, Planning Services, 490-4468

Report Approved by: Original signed by \_\_\_\_\_  
Austin French, Manager, Planning Services, Planning & Infrastructure, 490-6717

Financial Approval by: Original signed by \_\_\_\_\_  
Greg Keefe, Director of Finance & ICT/CFO, 490-6308

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