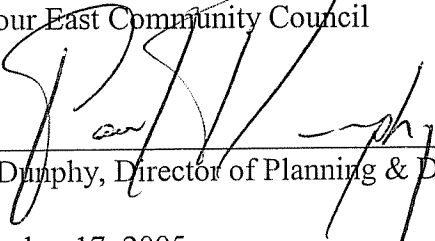


10.1.4

Harbour East Community Council  
December 01, 2005

**TO:** Harbour East Community Council

**SUBMITTED BY:**   
Paul Dunphy, Director of Planning & Development Services

**DATE:** November 17, 2005

**SUBJECT:** Case 00846 - Public Participation Committee - Phases 4 & 5, Portland Hills

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**ORIGIN:**

Application by Clayton Developments Limited to develop remaining lands of Portland Hills subdivision and Dartmouth MPS policy respecting the establishment of a Public Participation Committee for applications within a CDD zone.

**RECOMMENDATION:**

**It is recommended that Harbour East Community Council:**

- (a) **Invite a subcommittee of the Morris Russell Lake Public Participation Committee (PPC) as described in this report, to reconvene as a PPC to guide development of detailed concept plans for lands zoned Comprehensive Development District and identified as PH 4 and PH5 of the Portland Hills Subdivision within the Morris Russell Lake Secondary Plan Area.**
- (b) **Approve the Terms of Reference for the Public Participation Committee as contained herein.**

**BACKGROUND:**

In January 1999, Regional Council approved amendments to the Dartmouth MPS respecting Comprehensive Development Districts (CDD's). In particular, Policy H-3(AA) (Attachment A) mandates Council to establish a Public Participation Committee as part of the planning approval process for any CDD development agreement.

In March 2005, Regional Council approved policies under the Dartmouth MPS for the Morris-Russell Lake Secondary Planning Strategy. Remaining lands of Clayton Developments in Portland Hills identified as PH4 and PH5 on Map 9N (Attachment B) were zoned CDD. Clayton Developments Limited has recently made application to develop these parcels.

Preamble in the Secondary Planning Strategy states: "To develop a Master Plan for the Morris-Russell Lake secondary plan area, property owners, local area residents, the Dartmouth Lakes Advisory Board, and the general public worked together and a public participation committee (PPC) was established to coordinate and develop the Master Plan. This Committee or a Subcommittee thereof, would also be responsible for the evaluation of the detailed CDD approval process."

However, the terms of reference for the Morris-Russell Lake PPC clearly state that their term is to completion of the Master Plan (Attachment C), which was approved by Council earlier this year.

**DISCUSSION:**

Now that application has been made to develop a further section of the CDD zoned lands in Portland Hills, a public participation committee is required. Council has a number of options in this regard:

- (a) Invite the members of the PPC who worked to develop the Morris-Russell Lake Secondary Planning Strategy policies to reconvene;
- (b) Invite a subcommittee thereof to reconvene;
- (c) Advertise for new members and convene a new public participation committee.

The original PPC members have a thorough understanding of the intent of the secondary plan policies as well as the PPC process. The composition of this PPC included a member from the Dartmouth Lakes Advisory Board, a number of representatives of adjacent communities, as well as representatives of other large land holdings within the secondary plan area. It is staff's opinion that only representatives of adjacent communities and the Dartmouth Lakes Advisory Board should have input at this detailed community planning stage, and that it won't be necessary to have members representing other developers or large land owners (other than the owner of the subject lands) on the committee.

Staff have contacted most of the community representatives of the former PPC, all of whom have indicated a willingness to serve again. Staff therefore recommend that it would be appropriate to

proceed with option b) above and invite a subcommittee of the original PPC, as suggested in the table below, to reconvene to guide the detailed planning of the next phases of Portland Hills.

<b>PPC for PH4 &amp; PH5 Proposed Composition</b>	<b>Former PPC member who has indicated a willingness to serve</b>
one (1) land owner representative	Mike Hanusiak
two (2) residents of Portland Estates	Dr. Scott Mawdsley Norman Wiechert
two (2) residents of Innishowen	Dennis Richards Vacant
one (1) resident at large (external to the area)	Phil Elliot
one (1) member of the Dartmouth Lakes Advisory Board	Dr. Hugh Millward
Area Councillor (ex-officio)	Bill Karsten

The Morris-Russell Lake PPC had one vacancy in terms of a representative from the Innishowen community. Should Council approve to reconvene the subcommittee, it is also recommended that this vacancy be filled as soon as possible by sending out a letter of invitation to all residents of Innishowen. Interested persons will be asked to submit an expression of interest indicating why they would like to participate in the CDD process.

For purposes of continuity, the proposed Terms of Reference indicate that decision making is by consensus. Dissenting opinions may be recorded separately in the final report. Should Community Council not agree with this approach, then staff should be directed to amend the proposed Terms of Reference (Attachment D).

**BUDGET IMPLICATIONS:**

None.

**FINANCIAL MANAGEMENT POLICIES/BUSINESS PLAN:**

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

**ALTERNATIVES:**

Council may:

- Invite all the members of the Morris-Russell Lake PPC to serve (not recommended);
- Invite a subcommittee thereof to reconvene (recommended);
- Advertise for all new members and convene a new public participation committee (not recommended);
- Council may also choose to modify the Terms of Reference for the Committee as attached.

**ATTACHMENTS:**

Attachment A	Relevant MPS Policies
Attachment B	Map 9N
Attachment C	Terms of Reference for Morris-Russell Lake PPC
Attachment D	Proposed Terms of Reference for PH4 and PH5 PPC

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Hanita Koblents, Planner, 490-4181

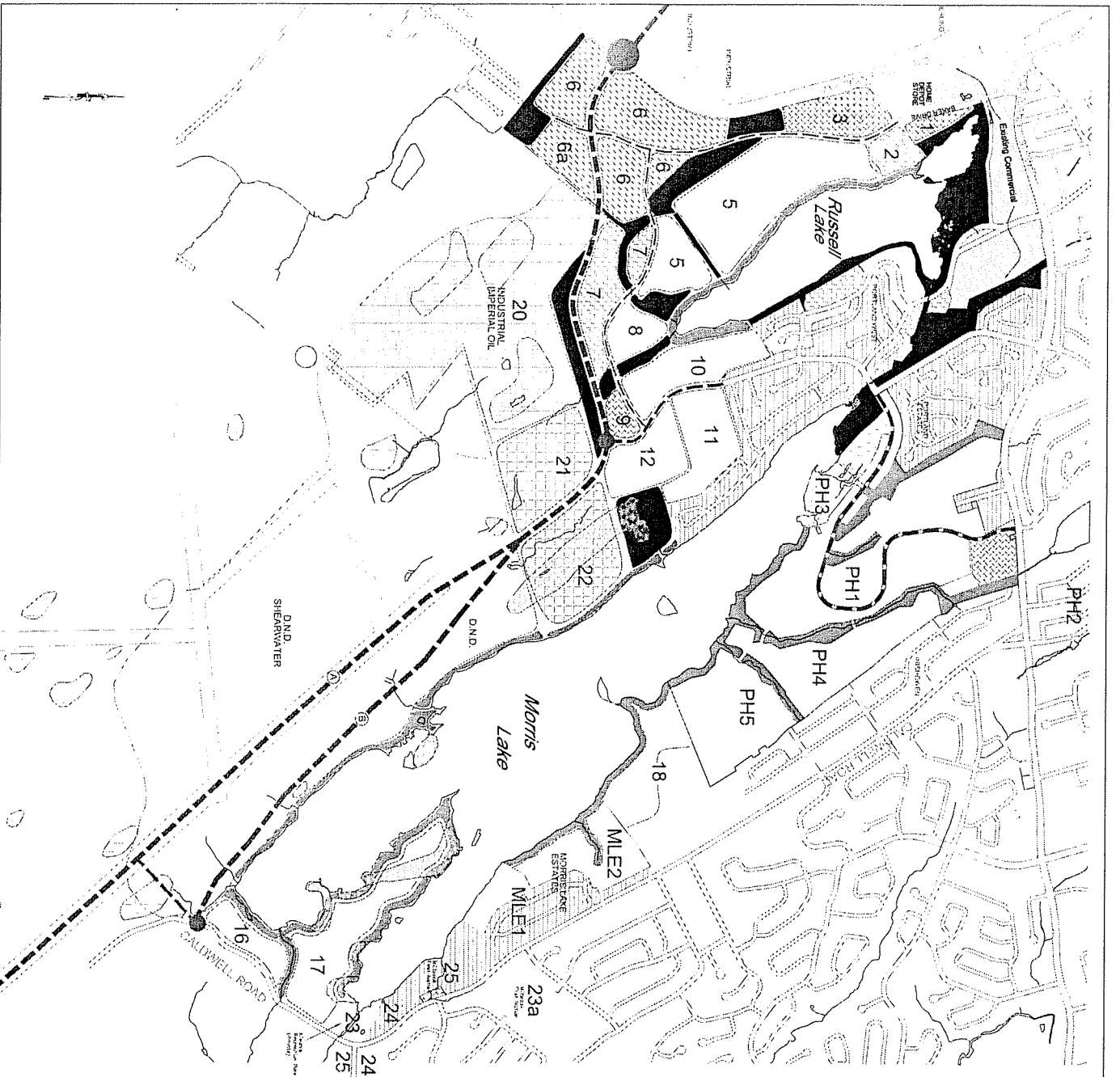
**Attachment A            Relevant MPS Policies**

***H-3(AA)            It shall be the intention of Council to establish a Public Participation Committee upon the Municipality receiving an application to develop lands within a CDD. The composition of the Committee should include local residents, other interested citizens, affected land owners, the proponent and municipal staff. The general purpose of the Committee is to collaborate to produce the conceptual plans and detailed plans for the area to be developed, as described by Policies H-3A, H-3B and H-3C. Council shall also establish a Committee to deal with substantial amendments to CDD Agreements.***

# RUSSELL LAKE / MORRIS LAKE

MAP 9N : FUTURE LAND USE AND TRANSPORTATION PLAN

Scale: NTS  
February, 2005



- SINGLE FAMILY
- SEMI / TOWNHOUSE
- MULTIPLE / TOWNHOUSE
- CDD RESIDENTIAL MIX
- CDD (Holding)
- HRM PARKLAND/PRIVATE OPEN SPACE
- ACTIVE HRM PARKLAND
- COMMUNITY COMMERCIAL
- GENERAL COMMERCIAL / HIGH DENSITY RESIDENTIAL
- EXISTING COMMERCIAL
- INSTITUTIONAL
- LAKEFRONT PROTECTION ZONE
- INDUSTRIAL LANDS
- WETLANDS
- ENVIRONMENTALLY SENSITIVE
- CALDWELL ROAD CONNECTOR
- NEW INTERCHANGE



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**Attachment C**                      **Terms of Reference for Morris-Russell Lake PPC**  
Approved  
May 20, 1999

**Terms of Reference  
for Public Participation Committee  
Morris and Russell Lake Master Plan  
June 1, 1999**

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**Membership**

1. Two representatives of Portland Estates, one of which is a member of the Residents Association
2. Two representatives of Innishowen Subdivision, one of which is a member of the Residents Association
3. Two residents at large from adjacent external areas
4. Five land owner representatives
5. One member of the Dartmouth Lakes Advisory Board
6. Councillor for District 8, ex-officio member
7. A person acting as a designate has the full power and authority of the named representative

**Appointment**

1. Term, will be to the completion of the Morris-Russell Lake Master Plan.
2. Appointments shall be made by the Harbour East Community Council.
3. The Committee shall elect a Chair and Vice-Chair but not alternates.

**Responsibilities**

1. Advise the Community Council with respect to the Master Development Plan for the Morris-Russell Lake area.
2. The Committee will: (a) identify the issues and constraints to future development in the area; (b) determine alternatives and solutions to address issues and concerns identified; and (c) collaborate to produce a conceptual plan for the entire Morris-Russell Lake area.

3. Concurrent with item 2, there shall be the preparation of a more detailed concept plan (specific land uses and their location, road network, parkland, open space, environmentally sensitive lands, etc.) for Clayton Development Limited's lands on the east side of Morris Lake. The detailed concept plan will form part of a Development Agreement that will require approval by Harbour East Community Council.
4. Decision making shall be by consensus. Dissenting opinions may be recorded separately in the final report if necessary.

### **Meetings**

1. The Committee shall meet at least once every three weeks; additional meetings may be held as required or called by the Chair.
2. Meetings shall be held on a regular basis to be determined.
3. The quorum for regular meetings shall be eight members.
4. Members shall advise the Planning Staff by 12 noon on the day of a regular meeting if they are unable to attend the meeting.
5. Any member of the committee who fails to attend three (3) consecutive meetings, without good reason accepted by the Chair, may be dismissed by Community Council.



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**Attachment D                    Proposed Terms of Reference for Public Participation Committee for  
development of CDD zoned lands identified as PH4 and PH5**

**Membership**

1. Two representatives of Portland Estates, one who is a member of the Residents Association
2. Two representatives of Innishowen, one who is a member of the Residents Association
3. One resident at large from an adjacent external area
4. One land owner representative
5. One member of the Dartmouth Lakes Advisory Board
6. Councillor for District 8, ex-officio member

**Appointment**

1. Term will be to the completion of the planning process leading to Council's decision respecting a Development Agreement for the subject lands. The Committee may be re-activated to deal with substantial amendments to an approved CDD Agreement.
2. Appointments shall be made by the Harbour East Community Council.
3. The Committee shall elect a Chair and Vice-Chair but not alternates.

**Responsibilities**

1. Advise Community Council with respect to the Planning Application to develop lands identified as PH 4 and PH 5 within the Morris-Russell Lake Secondary Plan Area.
2. The Committee will: (a) identify the issues and constraints to development of subject lands; (b) determine alternatives and solutions to address issues and concerns identified; (c) collaborate to produce a detailed conceptual plan for the subject lands that will form the basis of a CDD Agreement(s) that will require approval by Harbour East Community Council, and; reconvene, as required to deal with substantial amendments to CDD Agreements that will require approval by Harbour East Community Council.
3. Decision making shall be by consensus. Dissenting opinions may be recorded separately in the final report if necessary.

**Meetings**

1. Meetings shall be held on a regular basis to be determined.
2. The quorum for regular meetings shall be five members.
3. Members shall advise the Planning Staff by 12 noon on the day of a regular meeting if they are unable to attend the meeting.
4. Any member of the committee who fails to attend three (3) consecutive meetings, without good reason accepted by the Chair, may be dismissed by Community Council.
5. A person acting as a designate has the full power and authority of the named representative.