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**Marine Drive, Valley and Canal Community Council**  
**November 28, 2007**

**TO:** Marine Drive Valley and Canal Community Council

**SUBMITTED BY:** Sharon Bond  
Sharon Bond, A/Director of Community Development

**DATE:** November 16, 2007

**SUBJECT:** **Case 00976 - Development Agreement - Open Space Design  
Development, Oakfield.**

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**ORIGIN**

Request by Terrain Group on behalf of Caliber Consulting to permit an Open Space Design Development by development agreement at PID#41120338, Oakfield.

**RECOMMENDATIONS**

It is recommended **Marine Drive, Valley and Canal Community Council:**

1. Move Notice of Motion for the proposed development agreement as provided in Attachment A and schedule a public hearing;
2. Approve the proposed development agreement as provided in Attachment A; and
3. Require the development agreement be signed within 120 days, or any extension thereof granted by Council on request of the applicant, from the date of final approval of said agreements by Council and any other bodies as necessary, whichever is later, including applicable appeal periods. Otherwise this approval shall be void and any obligations arising hereunder shall be at an end.

## EXECUTIVE SUMMARY

The Open Space Design Development is a new form of residential subdivision which is enabled under the Regional Plan. Caliber Consulting is proposing to develop a hybrid version of the development on the lands off Frenchman's Road in Oakfield.

Several Public Meetings were held to discuss the proposed residential subdivision. A variety of issues were raised at the meetings, with the primary concern being the density of the original proposal, 212 residential lots. Subsequent to the first meeting, the applicant reduced the proposed number of lots to 88. The Halifax Watershed Advisory Board reviewed and provided comment on the proposal on two separate occasions (Attachments D and E). Staff recommend that the proposed development agreement (Attachment A) be approved by Marine Drive, contiguous and Canal Community Council.

## BACKGROUND

### **Location, Designation and Zoning:**

The subject property (PID# 41120338) is located on Frenchman's Road in Oakfield (Map 1) and consists of approximately 88 hectares (217 acres), of undeveloped land. This property is subject to the policies and provisions contained in the Planning Districts 14/17 (Shubenacadie Lakes) Municipal Planning Strategy (MPS) and Land Use By-law (LUB). The lands are designated Residential (Map1) under the MPS which is intended to promote suburban residential development. The lands are zoned R1-B (Suburban Residential) Zone (Map 2) which permits single and two unit dwellings.

**Surrounding Land Uses:** As shown on Maps 1 and 2, the subject property abuts a CN Rail line to the north, undeveloped lands to the east and a mix of vacant land, single unit dwellings to the south and west (fronting on Highway Number 2 and Frenchman's Road).

**Open Space Design Development:** Open Design Development is a creative form of subdivision design that conserves open space in a contiguous form . The basic principle is to locate homes on portions of the site which are best suited for development while retaining the remainder of the site as undisturbed open space. Open space should not be confused with park land.

Pursuant to Part 3.5 of the Regional Municipal Planning Strategy (RMPS), subdivision of land may proceed as an open space design development within the Agricultural, Rural Resource and, non-growth management areas of the Rural Commuter designation, through the development agreement process. The subject property is situated within the Rural Commuter designation.

Policy S-15, of the RMPS (Attachment F), allows the development of a hybrid form of open space design within the Rural Commuter and Rural Resource designations. A hybrid open space design development allows dwellings on lots with on-site well and septic while preserving open space by restricting the area for lawns, pavement and buildings to a maximum of 20% of the lot. All of the

open space within these subdivisions, except parkland, is located on large individually owned lots. The maximum density of this form of development is 1 unit per hectare.

**Proposal:**

Initially, Caliber Consulting's submission included a 212 unit classic open space subdivision and an application to rezone a portion of the site to permit the keeping of horses. This application was replaced with the current proposal which consists of:

- 88 lot hybrid open space design development consisting of single unit dwellings;
- local trail system and linear park; and
- community park with a bike facility.

**DISCUSSION**

**Policy Evaluation:**

Staff have reviewed the development proposal and determined that it is consistent with the criteria for consideration of a development agreement under Policy S-15 of the RMPS (Attachment F). In review of this proposal, a number of key issues were identified and addressed:

1. **Conservation Features:** A report was completed that identifies areas that needed to be considered for protection as conservation features such as riparian buffers and wetlands, etc. These have been identified on Map 4. Features of note include the Airport Noise Exposure Forecast 30 contour described later in this report, a potential habitat for listed protected species and watercourse setbacks around several watercourses. The proposed development agreement protects the majority of these features and minimizes their disturbance.
2. **Traffic:** A traffic impact statement and study were completed and no significant issues were identified. Both HRM and the Nova Scotia Department of Transportation concur with the findings of these reports.

Access to the proposed subdivision is via two roads that connect to Frenchman's Road which is currently chip sealed. The N.S. Department of Transportation and Public Works (NSTPW) indicated that they have no immediate plans to pave Frenchman's Road. As a result, NSTPW will be enforcing strict weight restrictions on the road.

3. **Hydrogeological Study:** A detailed hydrogeological study was completed to determine if there is adequate ground water in the local aquifer to supply the proposed development. The study anticipates that an adequate supply is available for the development. However, the study did not include an adequate number of drilled test wells to confirm this conclusion over the entire property because portions of the site are inaccessible. As a result, the development agreement includes provisions for the drilling of additional wells and related analysis on a phase by phase basis prior to the granting of subdivision approval. Should future analysis determine that there is not adequate

ground water, the number of units in the subdivision will be reduced, to a level that can be supported by the local aquifer.

**4. On-Site Sewage Disposal:** All of the proposed lots will be served with individual septic systems which will be constructed to N.S. Department of Environment and Labour's regulations for on-site septic systems. A preliminary analysis indicates that the proposed lot lines comply with the regulations.

**5. Subdivision Design:** A key objective of open space design development is to minimize the amount of public street required to service the proposed subdivision. To achieve this objective, staff have been flexible with the amount of road frontage required and the use of flag lots in the proposal.

Another objective of open space design development is to maintain animal habitats by protecting the continuity and connectivity of undisturbed lands. Given the site and the maximum density of development permitted, staff concluded that the proposed layout is consistent with the character of the existing neighbourhood and this objective.

**6. Impact of the Airport:** The Stanfield Halifax International Airport has identified areas surrounding the airport where noise from flights may have a negative impact on residential development. This area is known as a Noise Exposure Forecast (NEF). An NEF identifies sound levels to be expected in an area based on a variety of factors ranging from aircraft type, frequency and distance from the noise source. The results are arranged in contours radiating outward from the runways. The key contour is known as the NEF 30 contour. Transport Canada recommends that new residential development be restricted in a NEF 30 contour. These restrictions may include precluding residential development or ensuring measures are in place to mitigate the impact of noise from airport operations. The proposed development agreement requires new homes within the NEF 30 contour to be designed and built to CMHC standards to minimize the impact of airport noise. Further the agreement requires a notice be added to the deed of each property within the NEF 30 contour identifying the possible impacts of the airport to perspective property owners.

**7. Parkland Dedication:** Caliber Consulting is proposing a linear Community Park system in association with the development in order to sustain a variety of active and passive recreation needs which will adapt to recreation trends over time. The design has created a park system which includes a central community park near the entrance of the development and a trail system which leads from the community park to a major intersection in the development (Map 5). Further, Caliber Consulting is prepared to construct a woodchip trail and a bicycle facility on the parkland.

The proposal includes 60, 517 square metres (15 acres) of new parkland plus 26,145 square metres (6.4 acres) of excess parkland which the applicant previously developed on adjacent properties. The total land dedicated for parkland is 86,662 square metres (21.4 acres), which is greater than that required by policy.

8. **School Capacity:** The Halifax Regional School Board (HRSB) indicated that this development would impact Oldfield Elementary School, Georges P. Vanier Junior High School and Lockview High School. The HRSB has indicated that Oldfield Elementary School and Lockview High School are currently experiencing capacity issues and that the proposed development may impact these schools. Despite the impact on local schools, the HRSB has stated that if the local schools do not have adequate capacity at the time of development, the students from this subdivision would be assigned to another school within the Board's jurisdiction.

9. **Management of Open Space:** Private open space which covers approximately 80 percent of each lot, will be managed by individual property owners under the terms and conditions of the development agreement. The development agreement requires open space to remain in a natural state, with the exception of any maintenance required to remove damaged or diseased trees.

***Public Participation Program***

The Public Participation Program for this development included two Public Information Meetings. The first meeting was held on January 4, 2007 and the second on August 16, 2007. Minutes of these meetings are included as Attachments B and C.

Notification for the Public Meeting was distributed by standard mail to owners of properties shown on Map 2. The same notification area will be utilized for any future Public Hearing unless Council recommends changes to the notification area at First Reading.

***Halifax Waters Advisory Committee***

The proposal was presented to the Halifax Water Advisory Board (HWAB) on two separate occasions. On March 21, 2007 HWAB reviewed the proposed conservation areas and had no comments due to the conceptual nature of the proposal (Attachment D). On September 19, 2007, HWAB reviewed the proposed site plan, their comments are contained in Attachment E.

***Summary***

Staff are of the opinion that the proposed development is consistent with Policy S-15 of the RMPS which enables Hybrid Open Space Design Development by development agreement. Staff recommend the adoption of the proposed development agreement as contained in Attachment A of this report.

**BUDGET IMPLICATIONS**

There are no budget implications. The Developer will be responsible for all costs, expenses, liabilities and obligations imposed under or incurred in order to satisfy the terms of this Agreement and the work can be carried out within the approved budget with existing resources.

**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**

1. Council may choose to proceed with the development agreement. This is staff's recommended course of action as identified above;
2. Council may choose to approve the development agreement subject to modifications. This may necessitate further negotiation with the applicant and may require a second public hearing; or
3. Council may choose to refuse the proposed development agreement, and in doing so, must provide reasons based on a conflict with RMPS policies. This alternative is not recommended as Staff are satisfied that the proposed agreement is consistent with the RMPS policies.

**ATTACHMENTS**

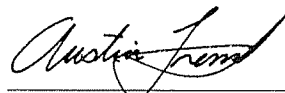
- Map 1: Generalized Future Land Use Map
- Map 2: Zoning Map and Notification Area
- Map 3: Regional Plan Designation
- Map 4: Developable Area
- Map 5: Proposed Concept Plan

- Attachment "A" Development Agreement
- Attachment "B" Minutes from Public Meeting on January 4, 2007
- Attachment "C" Minutes from Public Meeting on August 16, 2007
- Attachment "D" Halifax Waters Advisory Board Minutes - March 21, 2007
- Attachment "E" Halifax Waters Advisory Board Recommendation - October 17, 2007
- Attachment "F" Regional Municipal Planning Strategy Policy

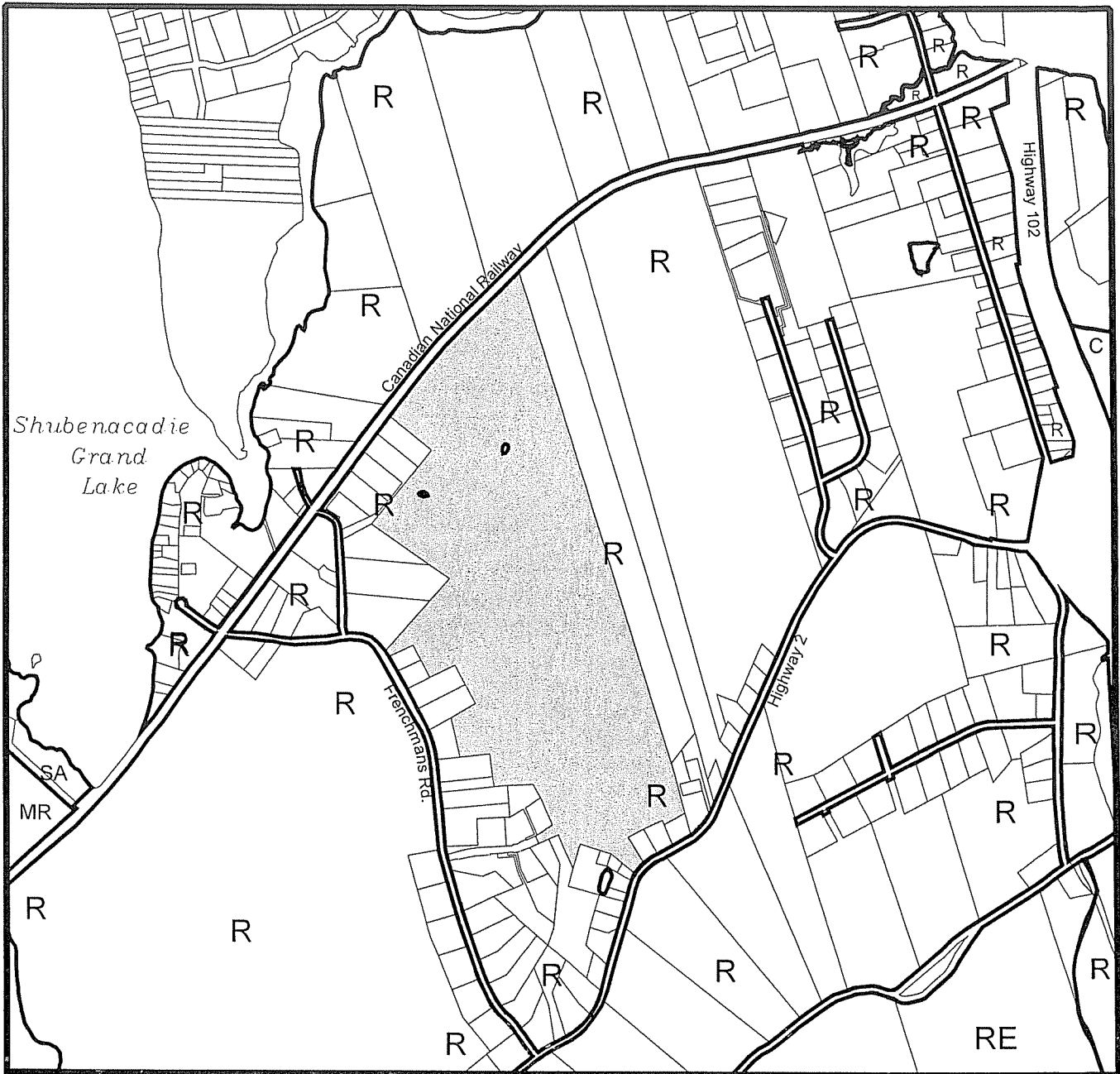
A copy of this report can be obtained online at <http://www.halifax.ca/council/agendasc/agenda.html> then choose the appropriate meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Andrew Bone, Senior Planner, Community Development, 869-4226


Report Approved by:



Austin French, Manager Planning Services, 490-6717



Map 1  
Generalized Future Land Use

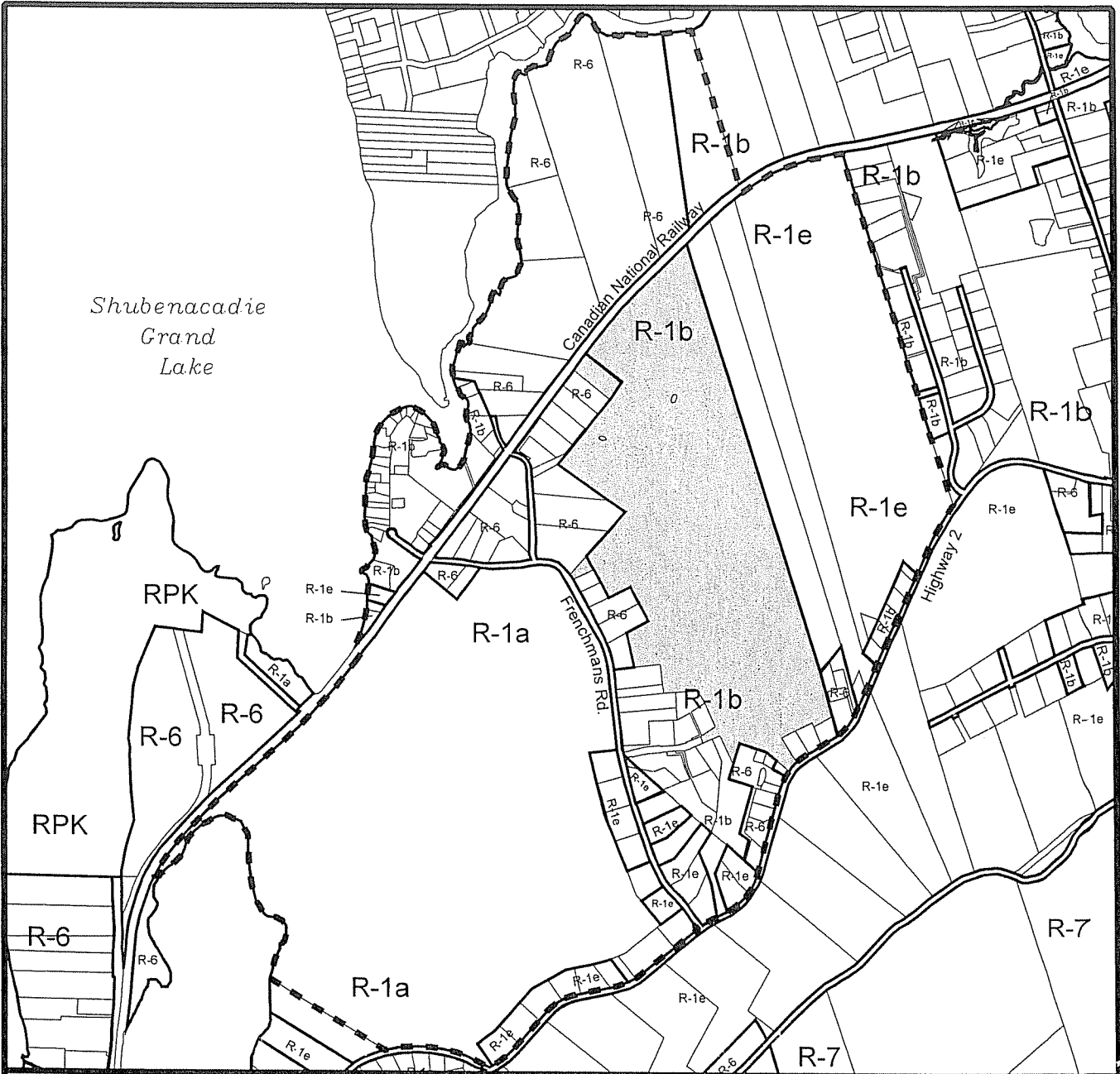
 Subject Property



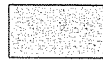
R Residential Designation  
MR Mixed Residential Designation  
RE Resource Designation

SA Special Area Designation  
C Community Centre Designation





**Map 2  
Zoning**



Subject Property

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REGIONAL MUNICIPALITY  
Planning Services

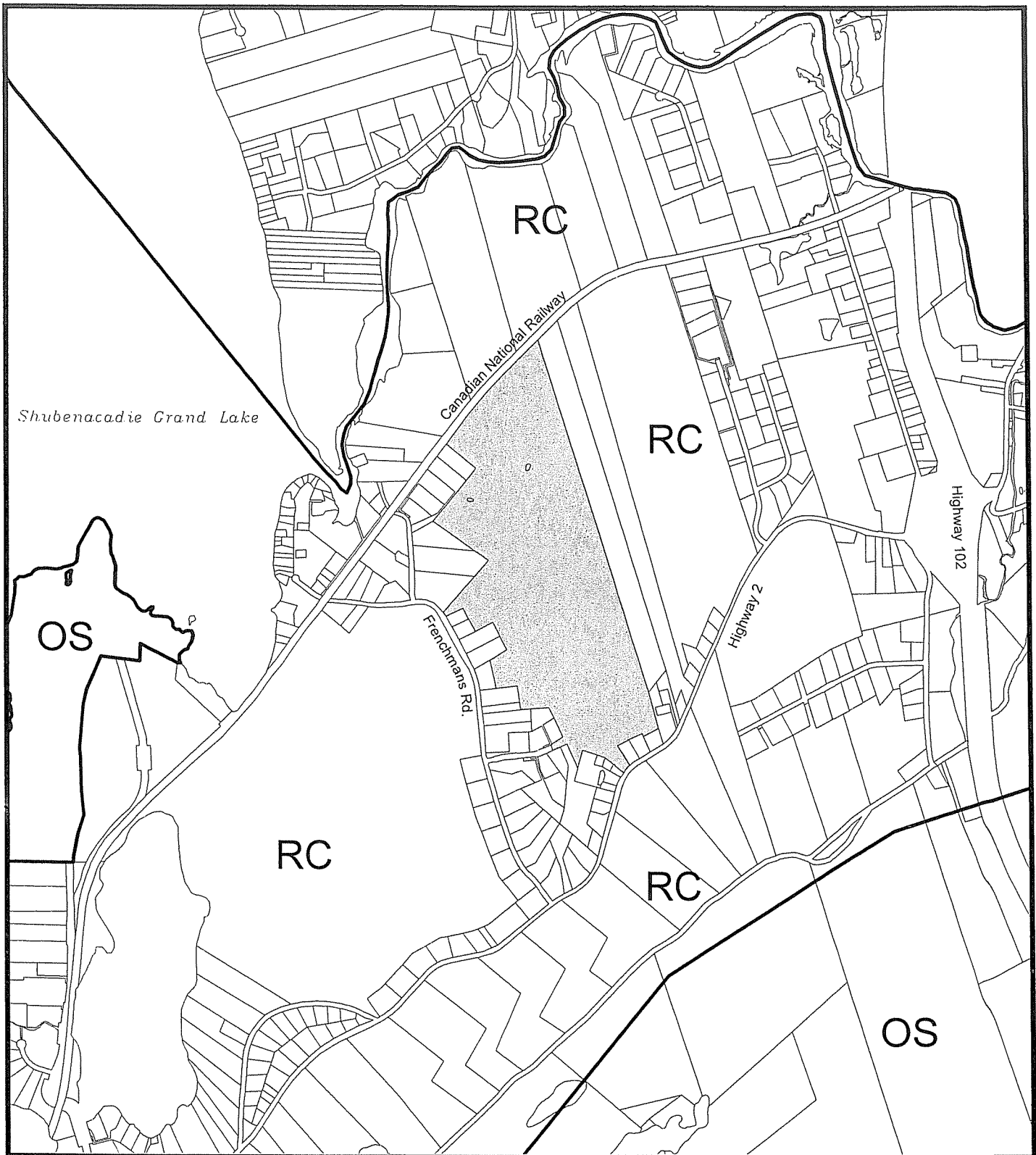
R-1a Single Unit Dwelling Zone  
R-1b Suburban Residential Zone  
R-1e Residential Estate Zone

R-6 Rural Residential Zone  
R-7 Rural Estate Zone

--- Notification Area








Map 3

RC Rural Commuter  
 OS Open Space and Natural Resource

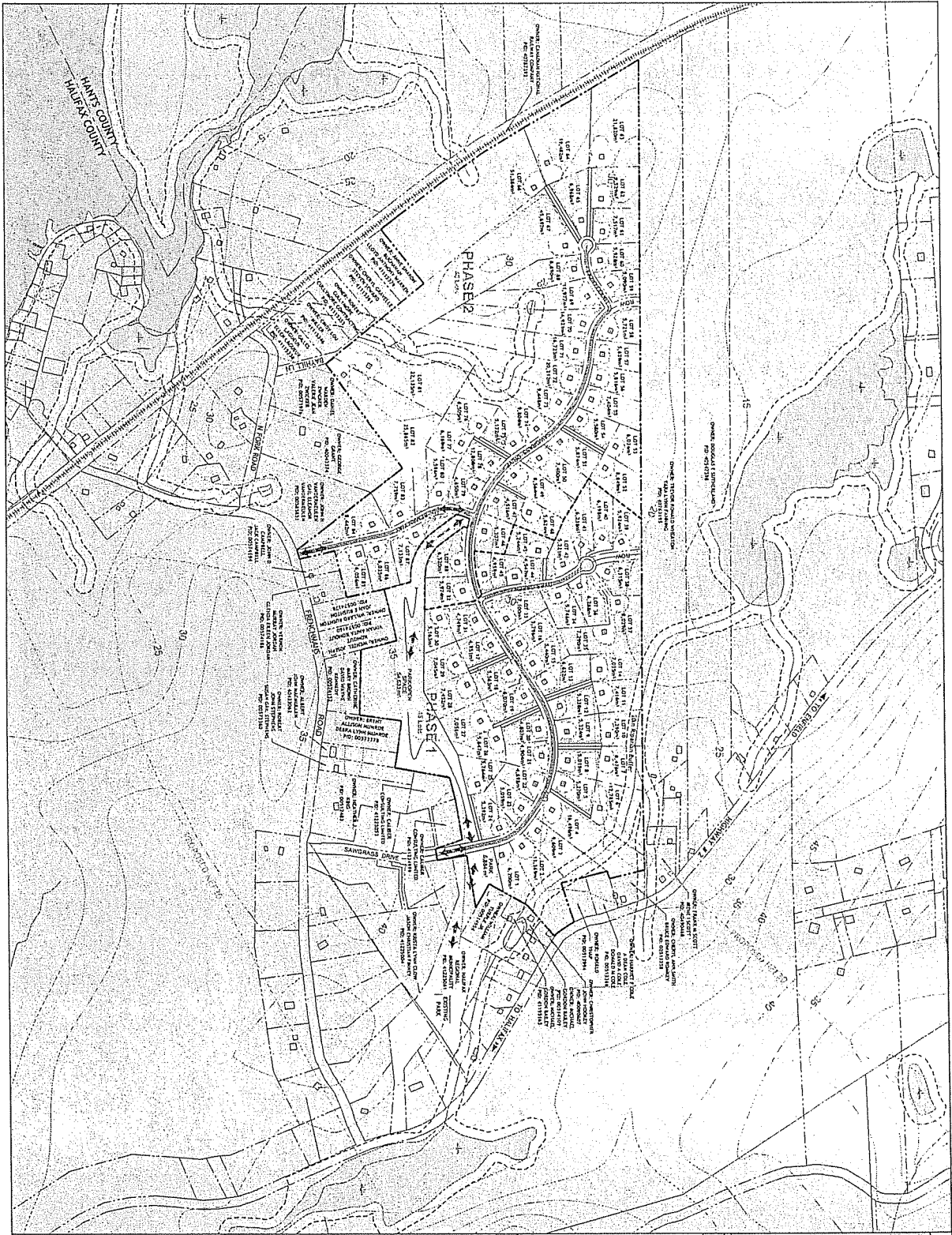
 Subject Property



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 Planning Service s



Map 5 - Proposed Concept Plan



**KEY PLAN**

**LEGEND**

- PROPOSED HIGHWAY
- PROPOSED ROAD
- NON-DISTURBED AREA PER LOT
- DISTURBED AREA (APPROXIMATE) PER LOT
- PHASE BOUNDARY
- CONNECTIVITY
- WETLAND
- WATERCOURSE
- SHADELINES
- POSSIBLE PONDING
- LOCATION

**SITE ANALYSIS**

PROJ: 4110313

LOT YIELD	2	4
ROAD WIDTH	12.75m	6.7m
ROAD LENGTH	43.75m	3.75m
PARCELS/LOT	2.0/1.0	1.0/1.0
LOT AREA	21.75/10.75	10.75

NON-DISTURBED AREA: 603,105 m<sup>2</sup>  
 DISTURBED AREA: 26,514 m<sup>2</sup>  
 TOTAL PARCELS: 83,513 m<sup>2</sup>  
 PARCELS REQUIRED: 81,181 m<sup>2</sup>

**CALEBER CONSULTING LIMITED**

OAKFIELD WOODS  
 CONCEPTUAL PHASE DEVELOPMENT

OAKFIELD, NOVA SCOTIA

DATE: OCTOBER 21, 2007  
 DRAWING NO: B0828100\_V28  
 VERSION: 2.8

100 20 50 25 0 100 200 300 400 500 600 700 800 900 1000

SCALE: 1:500



**PART 1: GENERAL REQUIREMENTS AND ADMINISTRATION**

**1.1 Applicability of Agreement**

The Developer agrees that the Lands shall be developed and used only in accordance with and subject to the terms and conditions of this Agreement.

**1.2 Applicability of Land Use By-law and Subdivision By-law**

Except as otherwise provided for herein, the development and use of the Lands shall comply with the requirements of the Planning Districts 14 and 17 Land Use By-law and the Subdivision By-law, as may be amended from time to time.

**1.3 Applicability of Other By-laws, Statutes and Regulations**

Further to Section 1.2, nothing in this Agreement shall exempt or be taken to exempt the Developer, lot owner or any other person from complying with the requirements of any by-law of the Municipality applicable to the Lands (other than the Land Use By-law to the extent varied by this Agreement), or any statute or regulation of the Provincial/Federal Government and the Developer or Owner agrees to observe and comply with all such laws, by-laws and regulations in connection with the development and use of the Lands.

The Developer shall be responsible for securing all applicable approvals associated with the on-site and off-site servicing systems required to accommodate the development, including but not limited to sanitary sewer system, water supply system, stormwater sewer and drainage system, and utilities. Such approvals shall be obtained in accordance with all applicable by-laws, standards, policies, and regulations of HRM and other approval agencies. All costs associated with the supply and installation of all servicing systems and utilities shall be the responsibility of the Developer. All design drawings and information shall be certified by a Professional Engineer.

**1.4 Conflict**

Where the provisions of this Agreement conflict with those of any by-law of the Municipality applicable to the Lands (other than the Land Use By-law to the extent varied by this Agreement) or any provincial or federal statute or regulation, the higher or more stringent requirements shall prevail.

Where the written text of this Agreement conflicts with information provided in the Schedules attached to this Agreement, the written text of this Agreement shall prevail.

### 1.5 Costs, Expenses, Liabilities and Obligations

The Developer shall be responsible for all costs, expenses, liabilities and obligations imposed under or incurred in order to satisfy the terms of this Agreement and all federal, provincial and municipal regulations, by-laws or codes applicable to any lands.

### 1.6 Provisions Severable

The provisions of this Agreement are severable from one another and the invalidity or unenforceability of one provision shall not affect the validity or enforceability of any other provision.

## PART 2: DEFINITIONS

2.1 All words unless otherwise specifically defined below shall be as defined in the Planning Districts 14 and 17 Land Use By-law and Subdivision By-law.

(a) **Hybrid Open Space Design Development:** means a residential development enabled under Policy S-15 of the Regional Municipal Planning Strategy which has a maximum development density of 1 dwelling unit per hectare and where site disturbance is limited to a maximum of 20% of each lot.

(b) **Developable Envelope:** means the portion of each lot, not to exceed 20% of the lot area, where all development and site disturbance including but not limited to, buildings, lawns, grade alterations, driveways and paved areas, shall be located.

(c) **Non-Disturbance Area:** means the portion of each lot, encompassing a minimum of 80% of the lot area, where no development shall be permitted including but not limited to, buildings, lawns, alteration of grades or driveways or paved areas. Placement of wells and/or on-site sewage disposal systems and the selective cutting of vegetation may be permitted, if approved in writing by the Development Officer in accordance with the terms of this Agreement. For the purposes of this section disturbance of the pole portion of a flag lot (the portion which connects the main portion of the lot to the street and provides the street frontage for the lot) shall be calculated as one-half of the actual disturbed area.

## PART 3: USE OF LANDS AND DEVELOPMENT PROVISIONS

### 3.1 Schedules

The Developer shall develop the Lands in a manner, which, in the opinion of the Development Officer, is generally in conformance with the Schedules attached to this Agreement and the plans filed in the Halifax Regional Municipality as Case Number 00976:

The schedules are:

“A”	Legal Description of the Lands
“B”	Concept/Phasing Plan
“C”	NEF 30 Boundary

### 3.2 Subdivision of the Lands

- 3.2.1 This Agreement shall be deemed to meet the requirements of the Subdivision By-law with respect to concept plan approval. As per section 99 of the Subdivision by-Law, tentative application is optional.
- 3.2.2 The development of the Lands shall generally conform to the Concept/Phasing Plan as shown in Schedule “B”.
- 3.2.3 Unless otherwise acceptable to the Development Officer, tentative and final subdivision applications shall be submitted to the Development Officer in accordance with the phasing plan presented as Schedule “B” and the Development Officer shall grant subdivision approvals for the phase for which approval is sought subject to and in accordance with the following terms and conditions:
- (a) Applications for subdivision approval shall encompass entire phases of the development as indicated on the Schedules.
  - (b) Applications for subdivision approval shall be submitted in the order of their phasing, as set out in Schedule “B”. The phasing of the development shall ensure that a second access to Frenchman’s Road is achieved prior to the extension of Sawgrass Drive beyond the intersection with Beman Way as identified on Schedule “B”.
  - (c) Final subdivision approval for any phase shall not be granted until final approval has been granted for the previous Phase.
  - (d) Notwithstanding subsection 3.2.3 (c), the Development Officer may grant final subdivision approval of a Phase prior to granting final approval for the previous phase if the Developer submits performance security in the amount of 110 percent of the estimated cost of uncompleted services.
  - (e) The Development Officer may grant final subdivision approval for partial Phases of the development.
- 3.2.4 Unless otherwise acceptable to Development Officer, prior to acceptance of any Municipal Service system, the Developer shall provide the following to the Development Officer:

- (a) Certification from a qualified professional engineer that the Developer has complied with the required Erosion and Sedimentation Control Plan as required pursuant to this Agreement (Section 5.1) ; and
  - (b) Certification from a qualified professional engineer indicating that the Developer has complied with the Stormwater Management Plan required pursuant to this Agreement (HRM Municipal Service Specifications).
- 3.2.5 Site preparation for each Phase or portion thereof shall not occur until the Developer provides a site plan to the Development Officer indicating where lot disturbance is to occur at the time of construction of municipal services, as set out in section 3.3.1 and 3.3.2 of this agreement;

### **3.3 Requirements Prior to Permit Approvals**

- 3.3.1 Prior to the issuance of a Construction Permit for each individual lot proposed for the Lands, the Developer shall provide to the Development Officer a site plan, prepared and endorsed by a qualified licenced professional, indicating the size and location of the developable envelope and the non-disturbance area. Such plans shall indicate the location and size of all well and septic systems, riparian buffers, paved areas, building footprints, lawns, and grade alterations and shall include enough detail, in the opinion of the Development Officer, to verify that not more than 20% of the area of the lot(s) shall be disturbed, except as otherwise permitted by this Agreement.
- 3.3.2 Non-disturbance areas shall be identified with snow fence or other appropriate method, as approved by the Development Officer, prior to any site preparation (i.e. tree cutting, and excavation activity). The Developer shall provide confirmation to the Development Officer that the non-disturbance area has been appropriately marked. Such demarcations shall be maintained by the Developer for the duration of the construction and may only be removed only upon the issuance of an Occupancy Permit for the lot.

### **3.4 General Description of Land Use**

- 3.4.1 The use(s) of the Lands permitted by this Agreement are the following:
- (a) A Hybrid Open Space Design Development as enabled by this Agreement and as generally illustrated on the Schedules;
  - (b) Use of the Lands in the development shall be limited to the following:
    - (i) Single unit dwellings.
    - (ii) Home based offices, bed and breakfasts or day care facilities in conjunction with permitted single unit dwellings, subject to the requirements of the Suburban Residential (R-1B) Zone as set out in the



Land Use By-law for Planning Districts 14 and 17 as amended from time to time.

- (c) Density shall be limited to a maximum of 1 dwelling unit per hectare and shall not exceed a total of 88 dwelling units or the number of lots as determined under subsection 3.5.7, whichever is less. Prior to the approval of any subdivision the Developer shall confirm the total area of the Lands and the maximum number of dwelling units.
- (d) The Development Officer may permit changes to the layout or the number of lots provided the layout does not significantly affect the configuration of parkland, increase the number of flag lots beyond that permitted in sections 3.5.2 and 3.4.1(c) of this Agreement.

### **3.5 Detailed Provisions for Land Use**

- 3.5.1 All single unit dwellings shall comply with the requirements of the Suburban Residential (R-1B) Zone as set out in the Planning Districts 14 and 17 (Shubenacadie Lakes) Land Use By-law except where varied by this Agreement.
- 3.5.2 Flag lots as generally shown on Schedule "B", shall be approved by the Development Officer, provided that each flag lot has no less than 6.096 metres (20 feet) of frontage on a public street and otherwise adheres to all requirements and provisions of this Agreement. Further, the total number of flag lots shall not exceed thirty. There shall be no more than three flag lots contiguous to each other and no more than two flag lots shall share a driveway.
- 3.5.3 Notwithstanding subsection 3.5.1, the minimum front yard setback shall be 15 feet. Encroachments in a required yard shall meet the requirements of Part 4.20 of the Planning Districts 14 and 17 (Shubenacadie Lakes) Land Use By-law.
- 3.5.4 No portion of any main building shall be located less than 20 feet from the boundary of the non-disturbance area.
- 3.5.5 Accessory buildings shall meet the requirements of the Suburban Residential (R-1B) Zone as described in the Planning Districts 14 and 17 (Shubenacadie Lakes) Land Use By-law and this Agreement.
- 3.5.6 The Developer agrees that any single unit dwelling located wholly or partially within the proposed NEF 30 boundary as identified in Schedule "E", shall be designed and constructed to minimize the impact of aircraft noise from the Halifax Stanfield International Airport, subject to the following:

- (a) The dwelling units shall be designed and constructed in accordance with the standards outlined in "*New Housing and Airport Noise, Canadian Mortgage and Housing Corporation, 1981*";
- (b) Prior to permits being issued for the construction of any dwelling unit, the Developer shall provide the Development Officer certification from a qualified professional indicating the design of the proposed dwelling meets the requirements of the standard identified in 3.5.6 (a);
- (c) Prior to Occupancy Permits being issued for any dwelling unit, the Developer shall provide the Development Officer certification from a qualified professional indicating the completed dwelling unit meets the requirements of the standard identified in 3.5.6 (a); and
- (d) Furthermore, the Developer agrees to provide the following notice on the deed for each property within the NEF 30, as indicated on Schedule "C". The notice shall be attached to the deed in perpetuity:

#### NOTICE OF AIRPORT IN VICINITY

"This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example noise). Individual sensitivities to these potential annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you."

- 3.5.7 Prior to Final Subdivision approval for the two phases of the development, the Developer shall provide a supplementary hydrogeological analysis which includes testing from two new wells and an analysis to determine water quantity and quality levels. If analysis identifies insufficient quantity in the local aquifer for the remaining unapproved lots, the number of lots in the subdivision shall be reduced to a point where there is adequate groundwater for the proposed number of dwellings. Such testing and analysis shall meet the HRM Guidelines for Groundwater Assessment and Reporting, 2006, as amended from time to time.
- 3.5.8 No more than two properties may share a single access point with the exception of properties with frontage on Bayhill Lane shown on Schedule "B".

### 3.6 Non-Disturbance Areas

- 3.6.1 The Developer agrees that a minimum of 80% of each lot shall be identified as a non-disturbance area on a site plan submitted under the requirements of subsection 3.3.1 of this Agreement. Further, no development, tree cutting or grade alteration shall be permitted within any non-disturbance area except where approved in writing by the Development Officer under one of the following circumstances:

- (a) To install a septic system and/or well. In these cases, the location, size and extent of the disturbance shall be identified on a plan prepared and endorsed by a qualified

professional which shall identify measures to minimize disturbance within the non-disturbance area to the satisfaction of the Development Officer;

- (b) To remove a tree that is dead, dying or in decline and which represents a danger to private property, public infrastructure or other natural trees and vegetation. Prior to granting approval for the removal of such a tree, the Development Officer shall have the discretion to require that the landowner engage a Certified Arborist, Landscape Architect, Landscape Technologist, Urban Forester or other person with equivalent credentials to certify in writing that the tree poses a danger to people or property or is in severe decline. If trees are removed or tree habitat damaged beyond repair, with the exception of those to be removed in accordance with Section 3.6.1(a), the Developer shall replace each tree with a new tree of ½ inch (38mm) caliper for every one removed or damaged, as directed by the Development Officer, in consultation with the appropriate HRM Business Units; or
- (c) To remove fallen timber and dead debris where a fire or safety risk is present. The Development Officer may require verification in writing by a qualified professional (i.e.. Arborist, Forester or Forestry Technician, Landscape Architect) prior to granting approval under this clause.

### **3.7 Riparian Buffers/Watercourse Setbacks**

- 3.7.1 The Developer agrees that a watercourse buffer, as per the District 14 & 17 (Shubenacadie Lakes) Land Use By-law, shall be applied to both sides of watercourses identified on Schedule "B". Further, stormwater management infrastructure shall be exempt from this requirement as identified in the District 14 & 17 (Shubenacadie Lakes) Land Use By-law.
- 3.7.2 The Developer shall indicate the 1 in 100 year floodplain of all watercourses on all plans submitted to the Development Officer. No disturbance or grade alteration shall be permitted within the 1 in 100 year floodplains.

### **3.8 Maintenance**

The Developer shall maintain and keep in good repair all portions of the development on the Lands.

### **3.9 Park Dedication**

- 3.9.1 The Developer shall convey the Park Dedication in the form of Land and Equivalent Value proposed for each Phase of the development, as generally illustrated on Schedule

- “B”, to the Municipality in conjunction with final subdivision approval for each Phase or portion thereof.
- 3.9.2 The Developer shall convey to the Municipality, upon completion of Phase 1 as illustrated on Schedule “B”, a Community Park (P1) containing a minimum of 5880 square metres in area and 50 metres of frontage on Sawgrass Drive. Further the Developer shall convey the continuation of the linear Community Park of approximately 55,633 square metres with a minimum of 30 metres of frontage on Sawgrass Drive and 30 metres of frontage at the intersection of Sawgrass and Beman Drive.
- 3.9.3 The Developer shall design and construct a bicycle facility on the Community Park. The design and final location is to be approved by Parkland Planning Staff prior to construction. The facility shall have a minimum value of five thousand dollars.
- 3.9.4 The Developer shall design and construct a Tertiary trail between Sawgrass Drive and the intersection of Sawgrass Drive and Beman Way. The final location is to be determined in the field in consultation with Parkland Planning. The trail travel surface shall be constructed of wood chips or bark mulch and to a width of one metre (3.3 feet) and be located within a 3 metre wide cleared trail corridor. The trail corridor shall be located as to maintain a 10 metre (33 feet) buffer from any residential property line.
- 3.9.5 The Developer shall not undertake any work or otherwise disturb any area of proposed parkland until a Park Site Development Plan is approved by the Development Officer in consultation with Parkland Planning.
- 3.9.6 Should the Park Lands not be in a state suitable for HRM acquisition, the Developer shall provide cost estimates to the Development Officer and shall provide security in the amount of 110% amount of the lands and remaining park site development. The Development Officer shall return the security to the Developer upon acceptance of the completed park site and prior to issuance of any Occupancy Permit in that Phase.

### **3.10 Community Identification Signs**

The Developer may establish a maximum of two signs on private lands, not to exceed 50 square feet per face, that identifies the name of the development. The signs may be located on Sawgrass Drive and Beman Way at or near the proposed road entrances to the Lands. The signs shall be located on private property and shall not be permitted in the street right-of-way.

### **3.11 Construction/Sales Office**

A temporary building shall be permitted on the Lands for the purpose of housing equipment, materials and office related matters relating to the construction and sale of the development in accordance with this Agreement. The construction building shall be removed from the Lands prior to the issuance of the last Occupancy Permit.

### **3.12 Temporary Rock Crusher**

**3.12.1** A temporary rock crusher may be used for the construction of the proposed development. The temporary rock crusher shall only be operated between the hours of 8:00 a.m. and 8:00 p.m., six days a week, and may not be used for the production of gravel for another site.

**3.12.2** A non-illuminated sign indicating that rock crushing activity will be taking place must be posted in a visible location on the site at least 48 hours in advance of crushing.

## **4.0 STREETS AND MUNICIPAL SERVICES**

### **4.1 General Provisions**

All construction shall satisfy Municipal Service Systems Specifications (MSSS) unless otherwise provided for in this Agreement and shall receive written approval from the Development Engineer prior to undertaking the work. The Development Officer, in consultation with the Development Engineer, may give consideration to minor changes to the street network as identified in Schedule "B", provided the modifications serve to maintain or enhance the intent of this Agreement. The stormwater calculations / plan provided under the MSSS shall be provided to the Halifax Waters Advisory Board for information purposes.

### **4.2 Off-Site Disturbance**

Any disturbance to existing off-site infrastructure resulting from the development, including but not limited to, streets, sidewalks, curbs and gutters, street trees, landscaped areas and utilities, shall be the responsibility of the Developer, and shall be reinstated, removed, replaced or relocated by the Developer as directed by the Development Officer, in consultation with the Development Engineer.

### **4.3 On-site Servicing Systems**

The Lands shall be serviced through individual, on-site sewage disposal systems and private wells. The Developer agrees to have prepared by a qualified professional and

submitted to the NS Department of the Environment and Labour and any other relevant agency, a design for all private systems. The Development Officer shall not issue Final Subdivision or Construction Permit approval for any individual lot, until all applicable approvals required by the NS Department of the Environment and Labour have been submitted.

## **5.0 ENVIRONMENTAL PROTECTION MEASURES**

### **5.1 Erosion and Sedimentation Control Plans**

The Developer agrees to have prepared by a Professional Engineer and submitted to the Department of the Environment, a detailed Erosion and Sedimentation Control Plan for each phase identified on the Phasing Plan included as Schedule "B". The plans shall comply with the Erosion and Sedimentation Control Handbook for Construction Sites as prepared and revised from time to time by the Nova Scotia Department of the Environment. The Erosion and Sedimentation Control Plan shall be provided to the appropriate Waters Advisory Board for information purposes.

### **5.2 Securities**

Prior to the issuance of Top Soil Removal Permit per phase, the Developer shall post security in the amount of \$15,000 in addition to the securities required for the Topsoil Removal Permit to ensure that all environmental protection measures, identified in this section, are properly implemented and maintained. The security shall be in favour of the Municipality and may be in the form of a certified cheque or irrevocable, automatically renewable letter of credit issued by a chartered bank. The security shall be returned to the Developer at the time of acceptance by the Municipality of completed roads, provided all measures for environmental protection have been implemented to the satisfaction of the Development Officer and that all disturbed surfaces have been permanently reinstated, and that all landscaping has become established. Should the Developer fail to complete the environmental protection measures to the satisfaction of the Development Officer shall be cashed and deposited to the Municipality.

## **6.0 AMENDMENTS**

### **6.1 Substantive Amendments**

Amendments to any matters not identified under Section 6.2 shall be deemed substantive and may only be amended in accordance with the approval requirements of the Municipal Government Act.

## 6.2 Non-Substantive Amendments

The following items are considered by both parties to be not substantive and may be amended by resolution of the Council:

- (a) The granting of an extension to the date of commencement of construction as identified in Section 8.3 of this Agreement;
- (b) The granting of an extension to the length of time for the completion of the development as identified in Section 8.4 of this Agreement;
- (c) Proposals for Community Uses permitted in the R-1B Zone of the LUB, except for government offices and nursing homes, provided that the applicant can verify that there is sufficient on-site servicing capacity for the proposal; and
- (d) Significant changes to the road layout as shown on Schedule "B".

In considering the approval of a non-substantive amendment under Section 6.2, property owners within 500 meters of the site shall be informed by mail at least 10 days in advance of the proposed amendment being considered by Council.

## 7.0 ENFORCEMENT AND RIGHTS AND REMEDIES ON DEFAULT

### 7.1 Enforcement

The Developer agrees that any officer appointed by the Municipality to enforce this Agreement shall be granted access onto the Lands during all reasonable hours without obtaining consent of the Developer. The Developer further agrees that, upon receiving written notification from an officer of the Municipality to inspect the interior of any building located on the Lands, the Developer agrees to allow for such an inspection during any reasonable hour within one day of receiving such a request.

### 7.2 Failure to Comply

If the Developer fails to observe or perform any covenant or condition of this Agreement after the Municipality has given the Developer fourteen days written notice of the failure or default, except that such notice is waived in matters concerning environmental protection and mitigation, then in each such case:

- (a) the Municipality shall be entitled to apply to any court of competent jurisdiction for injunctive relief including an order prohibiting the Developer from continuing such default and the Developer hereby submits to the jurisdiction of such Court and waives any defense based upon the allegation that damages would be an adequate remedy;

- (b) the Municipality may enter onto the Lands and perform any of the covenants contained in this Agreement or take such remedial action as is considered necessary to correct a breach of the development Agreement, whereupon all reasonable expenses whether arising out of the entry onto the lands or from the performance of the covenants or remedial action, shall be a first lien on Lands and be shown on any tax certificate issued under the Assessment Act;
- (c) the Municipality may by resolution discharge this Agreement whereupon this Agreement shall have no further force or effect and henceforth the development of the Lands shall conform with the provisions of the Land Use By-law; and
- (d) in addition to the above remedies the Municipality reserves the right to pursue any other remediation under the Municipal Government Act or Common Law in order to ensure compliance with this Agreement.

## **8.0 REGISTRATION, EFFECT OF CONVEYANCES AND DISCHARGE**

### **8.1 Registration**

A copy of this Agreement and every amendment and/or discharge of this Agreement shall be recorded at the office of the Registry of Deeds or Land Registry Office at Halifax, Nova Scotia and the Developer shall incur all cost in recording such documents.

### **8.2 Subsequent Owners**

- 8.2.1 This Agreement shall be binding upon the parties thereto, their heirs, successors, assigns, mortgagees, lessees and all subsequent owners, and shall run with the lands which is the subject of this Agreement until this Agreement is discharged by the Council.
- 8.2.2 Upon the transfer of title to any lot, the subsequent owner(s) thereof shall observe and perform the terms and conditions of this Agreement to the extent applicable to the lot.

### **8.3 Commencement of Development**

- 8.3.1 In the event that development of the Lands has not commenced within five years from the date of registration of this Agreement at the Registry of Deeds or Land Registry Office, as indicated herein, the Municipality may, by resolution of Council, either discharge this Agreement, whereupon this Agreement shall have no further force or effect, or upon the written request of the Developer, grant an extension to the date of commencement of construction.



8.3.2 For the purposes of this section, commencement shall means subdivision of the first phase of the lands

**8.4 Completion of development**

Upon the completion of the development or portions thereof, or within/after fifteen years from the date of registration of this Agreement with the Registry of Deeds or Land Registry Office, whichever time period is less, Council may review this Agreement, in whole or in part, and may:

- (a) retain the Agreement in its present form;
- (b) negotiate a new Agreement; and
- (c) discharge this Agreement on the condition that for those portions of the development that are deemed complete by Council, the Developer's rights hereunder are preserved and the Council shall apply appropriate zoning pursuant to the Municipal Planning Strategy and Land Use By-law for Planning Districts 14 and 17, as may be amended from time to time.

WITNESS that this Agreement, made in triplicate, was properly executed by the respective Parties on this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2007.

SIGNED, SEALED AND DELIVERED  
in the presence of  
\_\_\_\_\_

) CALIBRE CONSULTING LIMITED  
)  
) Per: \_\_\_\_\_  
)

SEALED, DELIVERED AND  
ATTESTED to by the proper  
signing officers of Halifax Regional  
Municipality duly authorized  
in that behalf in the presence  
of  
\_\_\_\_\_

)  
)  
) \_\_\_\_\_  
) HALIFAX REGIONAL MUNICIPALITY  
) Per: \_\_\_\_\_  
) MAYOR  
)  
) Per: \_\_\_\_\_  
) MUNICIPAL CLERK

Schedule "B" - Concept / Phasing Plan



**KEY PLAN**

**LEGEND**

- WETLAND
- WATERCOURSE
- RIPARIAN BUFFER
- PROPOSED DRIVEWAY
- LOCATION
- PROPOSED REPROFORESTATION AREA
- NON-DISTURBED AREA
- DISTURBED AREA
- EASEMENT
- PHASE BOUNDARY
- CONNECTIVITY

**SITE ANALYSIS**

LOT YIELD	88	87.46
LOT AREA (TOTAL)	2,730	2,730
ROAD AREA	43,797	43,797
PARKING SPACE	62,517	3.1%
TOTAL AREA	812,124	100%

NON-DISTURBED AREA: 601,195 sq'  
 PARKLANDS SURPLUS: 26,015 sq'  
 TOTAL DISTURBED AREA: 46,914 sq'  
 PARKING REQUIRED: 81,181 sq'

**SCALE**

1" = 200'

**OWNER:** OAKFIELD WOODS  
 CONCEPTAL PHASE DEVELOPMENT  
 OAKFIELD, NEW SCOTIA

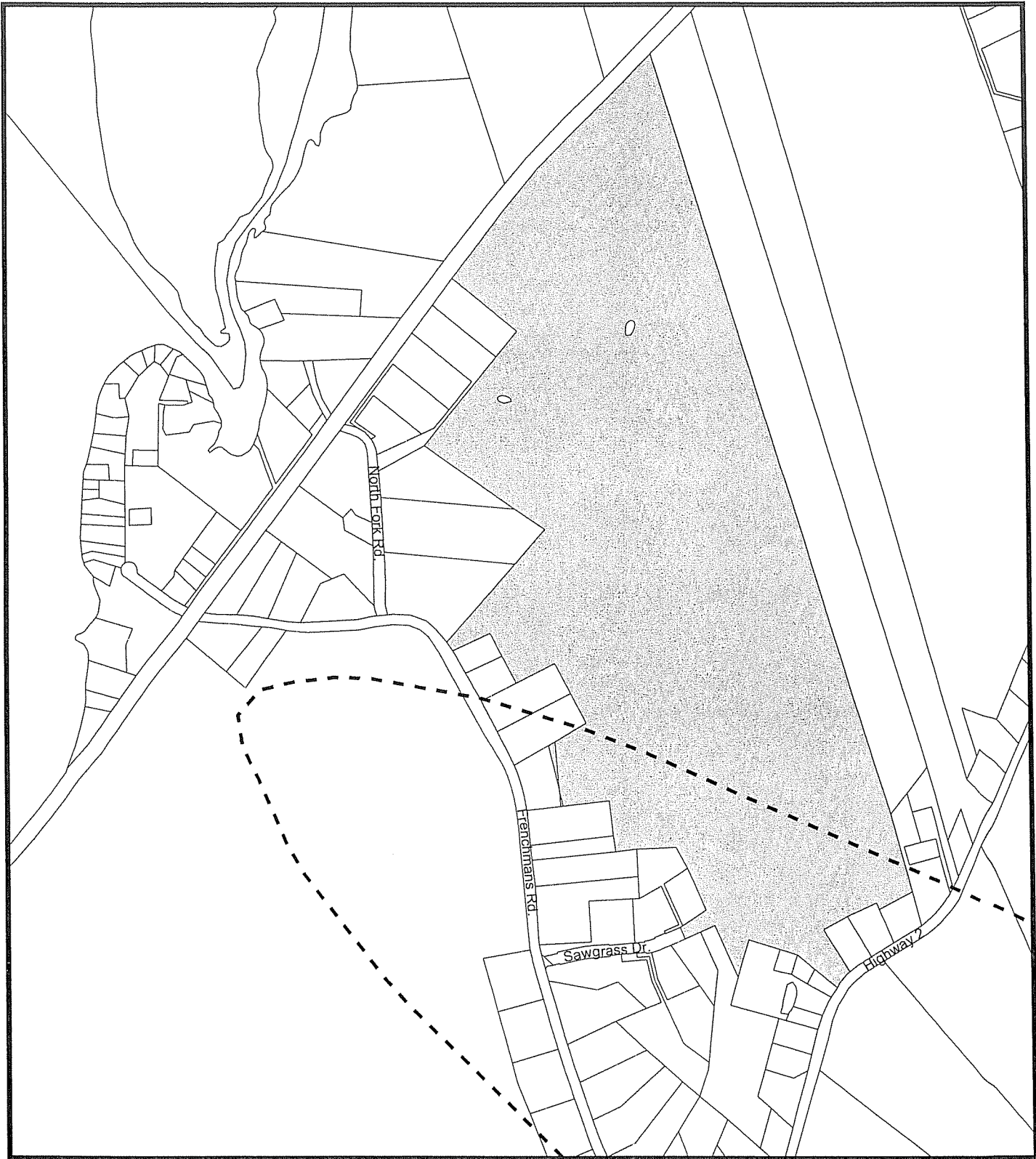
**DATE:** OCTOBER 21, 2007

**DRAWING NO.:** 80628B100\_V28



**VERSION:** 2.8

**CLIENT:** CALDER CONSULTING LIMITED

**terrain**  
 CONSULTING ENGINEERS  
 1000 Highway 101, Suite 100  
 Oakville, Ontario L6M 4G2  
 Canada 905 842 2200



Schedule C

-  Subject Property
-  NEF Contour



**Attachment "B"**  
**Minutes from Public Meeting on January 4, 2007**

**HALIFAX REGIONAL MUNICIPALITY**  
**PUBLIC INFORMATION MEETING**  
**CASE NO. 00976 - Terrain Group Inc. - Frenchmans Road, Oakfield**

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**7:00 p.m.**  
**Thursday, January 4, 2007**  
**Oldfield Elementary School, Enfield**

**IN ATTENDANCE:** Andrew Bone, Senior Planner, HRM Planning Applications  
Cara McFarlane, Administrative Support, HRM Planning Applications

**ALSO PRESENT:** Kelly Denty, Supervisor, HRM Community Development  
Leticia Smillie, Planner I, HRM Planning Applications  
Councillor Krista Snow, District 2  
Nick Pryce, Terrain Group Inc., Consultants  
Kevin Brooks, Terrain Group Inc., Consultants  
Roger Burns, Caliber Consulting

**PUBLIC IN ATTENDANCE:** Approximately 44

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The meeting commenced at approximately 7:03 p.m.

**1. Opening remarks/Introductions/Purpose of meeting**

Mr. Bone introduced himself as the Planner taking the application through the planning process; Nick Pryce and Kevin Brooks, Terrain Group Inc., Consultants; Roger Burns, Caliber Consulting; Krista Snow, Councillor for District 2; Kelly Denty, Supervisor, HRM Community Development; and Cara McFarlane, Administrative Assistant.

The purpose of a public information meeting is to identify that HRM has received an application, to identify the scope of the proposal, review the findings of the process that has taken place up to date for an open space subdivision, and receive any feedback from the public.

**2. Overview of planning process**

Mr. Bone showed the agenda for the public information meeting and went through the development agreement/rezoning planning process. A development agreement is a legal contract between the property owner and HRM that is attached to the property; therefore, any future property owners would have to abide by the conditions within the development agreement until it is amended or discharged by Council.

### 3. Overview of Application - Andrew Bone

The application is a request by Terrain Group I.nc., on behalf of Caliber Consulting, to enter into a development agreement to permit an open space subdivision and to rezone a portion of the property from R-1b Zone to R-1e Zone to permit the small scale keeping of horses.

The subject parcel is located in Oakfield near Frenchmans Road (shown on overhead). The property is approximately 85 hectares (235 acres) and currently zoned R-1b (generally permits single unit dwellings). However, since September, 2006, any large scale subdivision development is required to go through an open space subdivision process. The goal of the process of a subdivision development is to consider the natural surroundings and natural features on the site and basically protect the environment first prior to designing a subdivision. The open space subdivision is also much more flexible in the design of the subdivision as far as lot sizes and where they are located.

### 4. Presentation of Proposal - Nick Pryce

There are two different approaches to the open space subdivision design, the hybrid and cluster approach. There are no final plans for the site but the applicant would invite any ideas from the public.

Features of the site, areas of opportunities and constraints were identified. The most notable one is related to the airport, the noise contour. Mr. Bone explained that this area has a proposal to limit future residential development because the noise from the airport created by the planes creates an area that is not particularly desirable for a residential development. Transport Canada recommends that residential development not happen in those areas. HRM staff are proposing that development in that area be restricted to allow for residences on existing lots but potential new future residential lots not be permitted. This is not in effect as of yet but HRM is taking it into consideration and will advise Council of it. The request came from the Halifax International Airport Authority (HIAA) but is being implemented through HRM Planning.

Mr. Pryce explained that since no new development is permitted in that noise contour zone, they would like to rezone that portion of the land to enable the ability for some of the houses to keep horses.

The ATV trails throughout the parcel were shown.

Some watercourses have been identified on the site. One that was shown on the screen is generally dry during the summer and wet during the winter. Under the Regional Plan there must be a 20 metre setback from a watercourse when developing.

There were areas identified as having some archaeological significance. Terrain Group has had an Archaeologist look into the site and nothing has been found yet. Beneath that area there are recordings of Red Species. If these areas are considered sensitive the developer would have to stay away from those areas.

All this information will be taken into account when applying either the hybrid or cluster system approach. The hybrid approach would basically be one lot per hectare. Only 20% of the lot can be

developed. The cluster system option is one in which a condominium agreement is created. There would be one unit per acre. There would be multiple units which would have shared services. The density is slightly higher with the cluster system.

Terrain Group would like to do a concept plan for both options. The market has yet to be tested but will likely determine which option is used. Mr. Pryce has a cluster system concept plan available for this meeting.

One of the purposes of this meeting is to make sure that the features that the applicant has identified are accurate so the protection of those features are ensured. The protected areas would be the trails (be used for possibly walking trails), the watercourses, the Red Species, potential archaeological area, and the airport noise contours.

## **5. Questions and Comments**

One resident asked for further explanation on the archaeological areas. Mr. Bone explained that the archaeological areas are areas identified in the Regional Plan as having archaeological potential. There has been something in the past that has made that an area of interest. In cases where archaeological areas of significance are identified, the applicant is asked to employ an Archaeologist to determine why that area was originally identified and if the issue still exists. Mr. Pryce mentioned that an Archaeologist has been to the site and there is a report from him that states nothing was found in that area. Mr. Bone mentioned that HRM has not received that report but must be provided with it for HRM staff's and Council's review. Mr. Pryce explained that the developer would be restricted from any activity if there were archaeological findings within that area. The Archaeologist's report says that there were no findings in the area; therefore, development could happen.

Kevin Brooks, Terrain Group Inc., indicated that according to the Provincial database on species at risk, the Red Species is an endangered species.

One resident asked if the applicants will be looking at protecting certain types of trees (Hemlocks). Mr. Bone said Hemlocks have not been identified. He will be walking the site in the near future and will take particular note of major Hemlocks and if need be will bring out the HRM Urban Forester. The resident informed Mr. Bone that there is an older Hemlock on his property.

The resident is concerned about wetland in the area. Behind his lot there is a wet area (not marsh). Mr. Bone said that wetlands are a concern and there is mapping that shows large areas of wetlands. When walking the site, more wetlands will be observed and determined if they are areas of concern. There are some areas along these watercourses that have been identified as wet. Aerial photos will be used to help determine this.

One resident asked if watercourse means running or sitting water. Kelly Denty, Supervisor, Community Development, referred to the HRM definition which states that a watercourse is a lake, river, ocean, stream or other natural body of water. Mr. Bone mentioned that Department of Environment (DOE) help define where the watercourses lie in an area. Anything found in addition to this map, staff will get clarification as to whether the 20 metre setback is needed.

One resident mentioned that there are at least two culverts that may not be considered streams but these eventually flow off that land and into the Shubenacadie River. There are more wet areas than are shown on the map.

One resident said there is water at the end of Frenchman's Road where the other road intersects (pointed out on the map).

Lorraine Pottie, Oakfield, wondered if there would be individual horse owners or commercially owned with stables. Mr. Bone explained that the R-1 e Zone allows for the small scale keeping of horses and it allows a limited size accessory building (approximately 1000 square feet) which would limit the number of horses; therefore, there will not be commercial operations with a large number of horses. Roger Burns, Caliber Consulting, said it would be individually owned horses and probably only two. Ms. Pottie wondered who from HRM checks on the people who have horses. Mr. Bone explained that most of the services are complaint driven. Therefore, if there is a problem, HRM attends and makes sure the buildings meet the requirements.

Rob Kamperman, Oakfield, asked if building condos will mean having private roads. Mr. Pryce indicated that there is one lot with the owners having shared rights or shared spaces. Forty percent of the area would be developed and 60% protected.

Mr. Kamperman asked how many access ways will be created as it is a very large area of land. Mr. Pryce mentioned that there would be three possibly four accesses (shown on the map).

Mr. Kamperman asked for clarification on the number of horses. Mr. Burns said two horses per home or property owner. Mr. Kamperman mentioned that the water from that area does drain to the Shubenacadie River. Many people get their drinking water from there. He is concerned about the horse waste being soaked up into the soil which will eventually go into the river. Mr. Bone explained that the Province recommends guidelines for handling waste. One recommendation is that there is a certain separation from a watercourse. Only the land that is considered safe for the keeping of horses can be rezoned. It was explained that the watercourse shown on the map is the one most at risk due to the horses. Many residents disagreed. Mr. Burns said there is about 1 kilometre of depth from the parcel to the watercourse. Mr. Bone explained that the effluent and manure from the horses would be at the front of the site and the immediate watercourse at risk would be the one shown on the map. One resident pointed out that the water will eventually run into the Shubenacadie River. Mr. Bone explained that the Provincial regulations recommend that the manure be kept in an area with a concrete pad or an area with clay lining to prevent infiltration into the ground water. Another recommendation is that it is kept covered at all times and a third recommendation is that any water that does pass through any storage of manure be treated through a leachate system which in general is a very simple procedure. It involved running any water that comes off a manure pile go through some grass strips so it can be aerated and absorbed properly in the ground. An individual can be charged for contamination of a watercourse. The Oakfield area has been identified for years as the area to permit horses within Planning Districts 14 and 17.

Gilles Dubois, Frenchmans Road, mentioned that his property has a covenant which does not allow horses or barns. He believes this would apply to the parcel in question. Mr. Bone will check to see if

there is a covenant on the property. Covenants are private matters between citizens; however, Council would be made aware if there was one on the property.

Mr. Dubois mentioned that Frenchmans Road was just resurfaced with chipseal. He is concerned that the road will be torn up with the construction vehicles and heavy machinery. This will have to be addressed.

Mr. Dubois is also concerned about the water table. Will there be enough water to supply the additional development? He is concerned the water level in his well will decrease. Mr. Bone explained that one of the major concerns during the Regional Plan process was water supply. One thing that has to be done during this open space process is a hydrological survey of the surrounding areas. That survey has been submitted to HRM as part of the first stage of the proposal. The open space process is a two step process from a staff perspective. First thing is to identify the conservation areas and at that stage some general background on wells in the areas is supplied. The second stage requires a full hydrological study be done and a qualified Hydrologist needs to provide an opinion on the site regarding the capacity of the aquifer in the area to handle development. Prior to the open space subdivision process, there was no requirement to look at issues such as hydrology.

Mr. Dubois wondered if that study will be available to the public for review. Mr. Bone will decide if Council receives the whole study within the staff report. A comment from HRM staff indicating the results may be provided instead. Typically, if there is a problem the full study would be provided. Any information provided to Council becomes public automatically. In the past, engineering studies and the like are the property of the applicant and generally are not released to the public unless the developer signs off on its release. There will be a staff report prepared by Mr. Bone which will outline a review of the issues, problems and concerns that were identified.

One resident wondered at what stage during the process does the public have some input on the concept plan. Mr. Bone explained that this meeting is the information meeting for the public. The primary and secondary conservation features have been identified. Based on feedback from this meeting, there may be some minor adjustments. At some point HRM staff will, once satisfied that the features have been identified and are going to be protected, sign off and go to stage two (a hydrological study) and work on the design. Once the plan meets all the requirements, a draft development agreement and staff report will be done and presented to Council. Once Council has the staff report in hand, the information is public and considered released. At that point, anyone can have a copy of the staff report and the proposal. This will show the layout of the subdivision and what will be protected. At that time, a public hearing will be scheduled. During the public hearing, the public has the opportunity to present their issues and concerns to Council.

Mr. Dubois asked if there will still be 175 units whether it be a hybrid or cluster concept. Mr. Bone said the number depends on the approach. Mr. Pryce said the 175 units would be for the cluster approach. The hybrid approach would be 1 unit per hectare which would be approximately 80 units.

One resident asked if Halifax Regional School Board (HRSB) has been contacted. Mr. Bone mentioned that comments are received from HRSB. The resident said that all the schools in this area are to capacity.



Heather Killen, Oakfield, wondered where the children will go to school as she had heard Oldfield School would be closing. Mr. Bone said the comments from HRSB will be in the staff report which will indicate if there is capacity in the feeder schools for this area. HRSB's mandate is to provide education. Ms. Killen believed that within a large development only so much could be developed before a school had to be built. Mr. Bone said that most of the plans do not have policies that require that.

Jim King, Porters Lake, believes that if a new school for the area is deemed a priority to HRSB, it is passed along to the Province. The developer and HRM could have a role in that whole process.

Sandra Fowlow, Oakfield, asked when and how the public would be informed of the public hearing and the time line for the process. Mr. Bone explained that the public hearing is advertised at least 14 days before the date of the hearing and a notification is sent out by mail to surrounding property owners and anyone who signed the sign-up sheet at tonight's meeting. The application should be before Council before the summer. The start of development depends on the developer.

Kevin Stamp, Frenchmans Road, asked how far the notification area was for the mailout. He didn't see this meeting advertised in the paper. Mr. Bone mentioned that the ad was in the paper just before Christmas and the notification list was wider than normal (mostly Frenchmans Road and surrounding property owners).

Mr. Pryce showed a concept plan of the cluster approach. Shown were 36 three-townhouses with single level entry access.

One resident found the concept to be unrealistic and worried about property taxes increasing.

Mr. Pryce mentioned that this design is one of the only ways to develop land under the Regional Plan in these areas. Once this development has taken place, the land will no longer be available for future development. Mr. Bone explained that the goal of the open space development is to identify areas that need to be protected and as a result the developer has to stay away from those areas. The net benefit of this is that there are large areas that are protected and less roadways (less cost to the Municipality).

Mr. King wanted to clarify that this property will not be further developed if this application is approved. Mr. Bone explained that the only reason it would change is if something originally negotiated wasn't working out. The developer may then be able to renegotiate a portion of the development agreement. Certain negotiations would require policy change.

Mr. Stamp asked what is intended for the light green spaces on the map. Mr. Pryce said this is the area that is being looked at for the keeping of horses (paddock area).

Mr. Dubois asked for clarification on building within the noise contour line. Mr. Bone explained that given the large site, there are other areas that can be developed besides this portion.

Mr. Dubois wondered why there cannot be an access from Highway #2 instead of just Frenchmans Road. Mr. Pryce said there are visibility issues. Mr. Bone said there are three logical potential points (shown on map).

Mr. King asked if the green space can be developed for other uses. Mr. Pryce explained that the intent is to keep it natural. Once the land is sold by the developer, it is then up to the land owner to manage that land. Mr. Bone explained that the development agreement will allow some use of that land which will be outlined in the development agreement.

One resident asked if there will be anyone accompanying Mr. Bone when he walks the site. Mr. Bone was not sure. Typically, he walks the site alone. Once the areas of interest are identified with the endangered species, a qualified person will check out the site if need be. If additional watercourses or suspected watercourses are located, Mr. Bone will have someone from DOE check them out. The resident mentioned that there are Nova Scotia Pine Martins, which have been labelled as an endangered species, behind his property (Frenchmans Road just before the tracks).

One resident mentioned that one of the access points onto Frenchmans Road is on a sharp corner and has already proven to be a problem. Mr. Pryce said at this point, that is not a formed access, it is being considered as a future expansion to the road and something that has to be negotiated with HRM because sometimes through-roads have to be created. Mr. Pryce explained that if the hybrid approach was to be used the road could possibly connect to Bay Hill Lane. Although there is the constraint of the watercourse shown on the map and more cost is incurred as the road gets longer. Mr. Bone mentioned that this plan is just conceptual.

Ms. Killen asked if there was a plan for the hybrid approach. Mr. Pryce said they came with the cluster approach concept plan but will draw a plan of the hybrid approach for anyone who is interested. Ms. Killen feels that if the consultant does not have both plans to show than nothing should be shown at all.

One resident asked how the septic systems would work with a cluster approach. Mr. Pryce mentioned that the brown areas on the map indicate where the septic system would be located and they will be combined systems. They are looking at recirculating sand filter systems. With the hybrid approach, the septic systems would be individual.

Mr. Bone thanked everyone for coming to the meeting and expressing their issues and concerns.

## **6. Adjournment**

The meeting adjourned at approximately 8:45 p.m.

Attachment "C"  
Minutes from Public Meeting on August 16, 2007

HALIFAX REGIONAL MUNICIPALITY  
PUBLIC INFORMATION MEETING  
CASE NO. 00976 - Terrain Group Inc.

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7:00 p.m.  
Thursday, August 16, 2007  
St. Thomas Anglican Church

**STAFF IN**

**ATTENDANCE:** Andrew Bone, Planner, HRM Planning Services  
Cara McFarlane, Administrative Support, HRM Planning Services  
Hilary Campbell, Planning Technician, HRM Planning Services

**ALSO IN**

**ATTENDANCE:** Councillor Krista Snow, District 2  
Nick Pryce, Terrain Group Inc.  
Roger Burns, Caliber Consulting

**PUBLIC IN**

**ATTENDANCE:** 19

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The meeting commenced at approximately 7:08 p.m.

**1. Opening remarks/Introductions/Purpose of meeting - Andrew Bone**

Mr. Bone reviewed the agenda for the public.

Mr. Bone introduced himself as the Planner taking the application through the process; Nick Pryce, Terrain Group Inc., consultant for the applicant; Roger Burns, Caliber Consulting; Laura Landon, Assistant to Percy Paris, MLA; Hilary Campbell, HRM Planning Technician; and Cara McFarlane, HRM Planning Administrative Support. Councillor Snow sent her regrets for the meeting.

The purpose of this meeting is to identify that HRM has received an application. This is the second public information meeting on this proposal. The first meeting was held in January, 2007. The scope of the development will be identified, review the findings of the open space proposal that has taken place up to this point, talk about the concept plan that has been submitted and receive feedback from the public.

Since the Regional Plan has come into effect (August, 2006), all subdivisions have to be done by development agreement subject to a decision by council. The effect of the Plan is to allow development to happen provided a number of areas are considered [eg: groundwater quality and supply, capacity of the road network, soil conditions on the site, minimize road network (less road

means less cost per unit), maximize the non-disturbed areas within a subdivision and to protect watercourses].

Mr. Bone apologized for the location (outside the Oakfield Community) and timing of the meeting (during the Summer months).

## 2. Overview of planning process - Andrew Bone

Mr. Bone explained what a development agreement is and the process it follows.

## 3. Presentation of Proposal - Andrew Bone

The application is by Terrain Group Inc., on behalf of Caliber Consulting, to enter into a development agreement to permit an open space subdivision.

The property is located off of Frenchmans Road and Sawgrass Drive in Oakfield. It is approximately 88 hectares in size (212 acres) and on the northeast side of Frenchmans Road. The current zone is R1-b. As it stands, no new road can be created without going through a development agreement.

Originally, this application was for 218 lots and has been downsized to 88 lots. The original proposal had a request for a rezoning to allow for the keeping of horses on a small portion of the property. This portion of the application has been withdrawn. Therefore, this application is now for a development agreement for a residential subdivision on this property.

Mr. Bone showed the location of the property. The light green area is where a development agreement can be negotiated. Negotiation of development agreements for subdivisions are prohibited in the medium and dark green areas. South of Highway 102 a subdivision cannot be constructed except along the Old Guysborough Road. In Fall River, behind Kings Road, a residential subdivision cannot be established because it is an area that is not very accessible.

This type of subdivision has a two-step process. First step is to identify the areas to be protected or considered for protection. This would include areas where there are species at risk, habitat conservations, watercourse setbacks and wetlands. Secondary protected areas would have agricultural significance or uses and pathways. In this case, approximately 65 hectares of the site is considered developable.

### Nick Pryce - Terrain Group Inc.

During the last meeting there were two concept plans discussed, cluster and hybrid subdivisions. The cluster system produces a high density. The density is based on one unit per 1,000 square metres versus the hybrid which is one unit per hectare. At that meeting a lot of people were not in favor of the cluster system or the rezoning proposal. Therefore, the proposal has now been changed to a hybrid system concept and just the development agreement. The hybrid system is a more traditional form of development but still minimizes the impact on the land that is being developed.

Reserved contribution areas were shown on the map. They consisted of existing pathways which were part of the previous development. The consultant wants to propose a park (shown on the map) which would continue all the way through to connect to any development in the future. The developer is only required to give 10% of the land area in terms of park and in this case there is 24% given to parkland.

With regards to the lots under the hybrid development, only 20% of the lot area can be disturbed; therefore, the rest of the lot has to be protected. The 20% includes the lawn, dwelling and driveway.

The thought for the park system would be active transportation (such as mountain biking, skiing, walking, etc.) through the corridor which provides connections throughout the wooded area. The other idea was to have a bike area for kids (such as BMX bikes). The developer would like some feedback from the public as to what these park areas could be used for so the community can enjoy them.

The types of houses that may be constructed in the area were shown.

A map of disturbed and non-disturbed areas were shown. Total non-disturbed area on the site would be 81%. The road network will take up approximately 5.1% of the total site which is approximately half of the traditional developments.

The development plan would be done in three phases. Time periods would be negotiated through the development agreement.

Mr. Bone summarized that the development has changed since the application was received. The proposal is down from 218 units to 88 and there is now a lot and road design (shown on the screen). The road connection to Frenchmans Road (shown on screen) was mandated by HRM Engineering to ensure that the subdivision, and potentially any added lots, had a second emergency access.

The majority of the land between the proposed land and the existing development is protected as HRM parkland. The proposal at this point is to turn it over to HRM and maintain it as parkland under the development agreement. The width of the parkland varies between 15 metres and 30 metres.

#### **4. Questions/Comments**

Chang Kang, Oakfield, asked why this area was chosen. Mr. Pryce said that the developer owns this piece of land and is looking at creating lots on the site. This is enabled by HRM through the development agreement process.

Mr. Kang asked if enough market study was done in order to reduce the amount of lots from 218 to 88. Mr. Pryce explained that there are two types of systems, hybrid and cluster. During the first public information meeting, the community objected to the cluster system.

Mr. Kang asked how many units are expected to be completed from this development. Mr. Pryce explained that this proposal is for 88 units. In terms of time frame, there could be a five to seven year rollout.

Mr. Kang asked what would the price range of the homes be. Roger Burns, Caliber Consulting, said they would be roughly \$250,000 to \$300,000.

Mr. Kang referred to the Oakfield Golf Club application to which Mr. Bone said that proposal has significantly more hurdles in getting approved. The proposal includes at least two proposed plan amendments just to enable it. This proposal is completely enabled under the Regional Plan. The Oakfield Golf Course is proposing to increase the density (close to 375 homes) and change the housing form that may be permitted in the development. This proposal is moving ahead before Oakfield Golf Course.

Mr. Kang asked if Council could approve both applications to which Mr. Bone agreed.

Mr. Kang asked if a similar project has been done in Nova Scotia or nearby. Mr. Pryce explained that this is the first time for this type of application. It is similar to a traditional development, but the quality of the outcome is far greater in terms of environmental impact and footprint through this type of development than that of a traditional development. Mr. Bone explained that this proposal is a hybrid and is an alternate to the classic approach which would have higher density and shared septic and well. However, the developer still has to meet environmental and road standards, and there is an increased standard in terms of long term protection of the lands.

Mr. Kang wondered if the straight line on the map indicated the boundary between Enfield and Oakfield. Mr. Pryce said it would be the property line.

Shelley Gould's, Oakfield, main concern is the capacity of the school. What are these new developments going to do to the schools? Mr. Bone mentioned that school capacity is a huge issue in all areas. Council will be provided with the information on capacity from the School Board but in the end it is Council's decision. Some areas are using the developments to try to get a new school. Typically, an application has not been turned down because of overcrowding issues. Mr. Burns mentioned that a new development may put a drive on for a new school.

Ms. Gould would like to see some playgrounds. Mr. Bone mentioned that HRM Parkland look at individual communities. Comment forms which included a section on park facilities were available at the meeting. The requirement is that the developer turns over land but not necessarily develop it. HRM Parkland has indicated that there is a need for a playground in the community. One of the areas considered is along Sawgrass Drive. Mr. Burns mentioned that they are looking for a lot of feedback from the community on this issue. Mr. Bone said that this proposal is showing about 2.5 times what is required. Regardless of that, the developer is encouraged to develop something on the site.

Gilles Dubois, Oakfield, said Phase I shows an extension of Sawgrass Drive. In that area there is a no-build zone proposed for the airport. Is this phase being done first so the airport proposal will come afterwards? According to the site plan, there are approximately 40 houses that will fall under that no build zone. Mr. Bone said the implementation of that zone is delayed. Some flaws were identified in the legislation review. The Province is looking at amending their legislation. At this point in time, there are no powers to prohibit development in this area; however, we are working with the airport and developers who have land in the area to try to come up with some compromise standard.

Mr. Dubois said there is a long term plan for another runway at the airport. Mr. Bone explained that there would be a construction standard for these homes to deal with high noise. There are easy and cost-effective ways to manage the noise. This area is at the very edge of the noise contour. Mr. Pryce said they tried to limit the number of dwellings in the noise contour zone. Mr. Burns mentioned that originally there was a cul-de-sac (shown on slide) that housed 20 homes which has been removed.

Mr. Dubois asked if the 20% disturbance on each property would remain strict. Mr. Bone said the development agreement that applies to each lot will require that only 20% of the site be disturbed. Some of the 80% can be disturbed for the septic field given the ways the rules are written. The terms of the agreement and how they will be enforced have not been worked out yet. A remedy is needed if the terms are not followed. Mr. Burns mentioned that this is stated in the deed and covenant as well as the development agreement.

Mr. Dubois asked if there have been any water studies conducted for groundwater. Mr. Pryce said there has been a level 1 and 2 groundwater study done. The level 2 study that was done basically supports in terms of the water supply that exists. Mr. Bone said that CBCL (consulting firm) have qualified staff to review these studies. They in turn provide comment. Mr. Dubois' concern is that the groundwater level will drop once construction begins and he will have to dig a deeper well. Mr. Bone said the studies do comment on that issue. There are additional wells that will have to be drilled as development happens. The number of lots on the site could be affected if the water table drops (88 lots being the maximum). The goal for setting the standards for these hydro-geological tests was to allow a certain number of wells drilled to test the area to determine the quality and quantity of the water. It is impossible to drill all the wells in the beginning; therefore, they will be done as a new phase becomes open and tested at that time. The development agreement has to be written in a way that if something happens and the water table is not what was anticipated, that the lot yield would drop. Mr. Dubois wondered about the existing owners that have wells now. Mr. Bone said the policy is drafted and the way it is written, the requirements relate to the available supply to the subdivision, they don't relate to existing wells.

Mr. Dubois is very concerned that Frenchmans Road is the only access point (emergency situations). The road was once torn apart and since then has been chipsealed. The road is easily torn up from trucks on the road. More construction traffic on the road resulting from the development will tear the road up again. Mr. Bone said Frenchmans Road is Provincially owned; therefore, HRM has no control over what happens with this issue. Mr. Dubois feels that if HRM is going to get involved with a development of that size, they should approach the Province to deal with these issues. Mr. Bone said that the Province is part of the review team on this project and they realize that the proposal is an 88 lot subdivision.

Mr. Dubois wondered if there was a way to use the entrance from Highway 102. Mr. Bone said it doesn't meet the sight distance requirements. HRM would have preferred a second access to Highway 102 but it is not feasible. The only way to get a second access for Frenchmans Road is probably through the Oakfield Golf Course proposal. This developer was forced to put a second access from the proposed development to Frenchmans Road. Mr. Dubois would like to see the Department of Transportation fix the section at Highway 102 so the development could connect for another access.

Sue Loring, Oakfield, asked how many homes currently exist in the community of Oakfield. Mr. Bone did not have that information. Ms. Loring is guessing that this proposal along with the golf course proposal will double the homes in the community.

Ms. Loring asked if the parkland will be developed or left in its natural state. Mr. Pryce said in one of the parks the developer is looking for ideas. The only disturbance in the other parkland would be to make a trail so the public can enjoy it for active transportation.

Ms. Loring asked why the large area in Phase 3 was shaded. Mr. Pryce said it was identified on a regional basis as being a red species area. Following consultation with Department of Natural Resources, we felt that area should still be protected and retained as a park area. Mr. Bone said from a municipal aspect, we would like to see as much parkland developed as possible. In reality, the amount of parkland given by the developer is 2.5 times what is required. Just because Phase 3 does not have a trail up front doesn't mean it will never have one.

Ms. Loring asked if the logging road would be staying. Mr. Pryce said it would be turned into a trail.

Ms. Loring asked if the only new road is the cul-de-sac to which Mr. Pryce said yes.

Ms. Loring is concerned about the road access particularly the secondary one. That appears to be an access for at least four lots. Mr. Bone said that is currently being proposed but the final lotting has yet to be determined.

Ms. Loring said the corner just beyond the secondary access is very dangerous and many people take it way too fast. Mr. Burns mentioned that he was not in favour of that access but HRM required it.

Ms. Loring asked if there are two lots going in off of Bay Hill. Mr. Pryce said yes, but it will not be the secondary access. Mr. Bone said there is the possibility that those two lots may have access through that way but that is subject to negotiations.

Ms. Loring's chief concern is the water effect on the Shubenacadie and Grand Lakes. Will private septic be done? Mr. Pryce said each lot will have it's own well and septic. Most of the stormwater is contained on the development. At the last meeting there was concern about water running down and increasing existing water problems. There is a study that shows water flows to one side of the site and not the other.

Ms. Loring is concerned about Grand Lake. Mr. Bone said the septic systems that are installed are the latest standard that the Province has. He believes some of the current problems are a result of the existing septic. Mr. Burns said the soil condition on the site is very good for septic systems.

Ms. Loring asked if all the green spaces on the map will be left natural. Mr. Bone said yes minus where the septic fields are placed.

Mr. Bone mentioned that all of the roads within the development would be public HRM roads. There will be some shared driveways with the odd flag lot.



Mr. Burns said he would be willing to work with the public in order to make the Halifax Regional School Board (HRSB) realize the urgency for a new school in the area. Mr. Bone said HRSB is aware of what could be coming up.

One resident asked if horses will be allowed on the trails. Another resident said the use has to be feasible for everyone.

One resident said she came to the area for privacy and rural type lifestyle. Unfortunately, this will now be changing.

Mr. Dubois mentioned that the parkland should be an area for everyone. Maybe something including soccer and baseball fields although these areas attract people at night doing unwanted acts.

One resident asked if the technical reports are available to the public. Mr. Bone said typically engineering reports are not released to the public primarily because staff relies on consultants to review them. If the developer is willing to release the report, staff can do so.

#### **5. Closing Comments**

Mr. Bone mentioned that there were comment sheets at the door and if people could please fill them in. He thanked everyone for coming to the meeting and expressing their comments and concerns.

#### **6. Adjournment**

The meeting adjourned at approximately 8:33 p.m.

**Attachment "D"**  
**Halifax Waters Advisory Committee Minutes - April 18, 2007**

**5.2 Case No. 00976: Open Space Subdivision Oakfield Caliber Consulting**

- A memorandum dated February 7, 2007, on the above noted, was before the Board.
- A report entitled "A Guide to Open Space Development in Halifax Regional Municipality" was before the Board.
- A copy of the Preliminary Site Design was before the Board.

Mr. Andrew Bone, Planner, presented the report noting this is an application for an eighty eight hectare site. He advised that the Board is being asked to provide input on what, if any, concerns it would have with regard to development in this area. The proposed development is for a Hybrid, single unit dwellings only, with individual well and septic with one unit per hectare.

In response to Dr. Stobo as to the requirements for test drilling and pumping, staff advised that before an application goes to Council there is a two stage approach, stage one is the submission of information at which time a groundwater consultant (CBCL) reviews the initial groundwater assessment and the second stage where the conceptual design is provided as well as another groundwater assessment which includes the results of all the wells drilled. This would once again be reviewed by CBCL who will provide comments back.

In response to Mr. Regan, staff advised any large scale subdivision has to come through this process with each one being reviewed on its own merit. If at some point it is determined there is insufficient groundwater, that would have to be identified to Council which may result in limiting the number of units. On further question, staff advised storm water is handled by the current Storm Water Management Plan requirements.

In response to Dr. Stobo with regards to the twenty metre riparian buffer, staff advised that this was the buffer laid out in the Regional Plan noting it will be on both sides of the watercourse and is intended to be undisturbed. He advised the Board could suggest a thirty metre buffer around watercourses as well as request an examination of the surficial maps to determine whether there are areas of pyritic slate that should be avoided or strongly mitigated.

Ms. Williams expressed concern with tree retention. In response, Mr. Bone advised that one of the goals of this type of subdivision is the importance of habitat connectivity.

Mr. Bone advised this stage of the process is looking at the big picture and details such as monitoring would come under stage two.

Dr. Stobo advised that the Board would develop a set of guidelines that would address concerns with regards to grades, wetlands and buffers.

Attachment "E"

Halifax Waters Advisory Committee Recommendation - October 17, 2007

TO: Marine Drive, Valley and Canal Community Council

SUBMITTED BY: Dr. Wayne Stobo, Chair, Halifax Watershed Advisory Board.

DATE: 17th October, 2007

SUBJECT: Case 00976: Open Space Subdivision by Development Agreement - Stage II. Oakfield Woods, Highway 2, Oakfield. PID#00513333.

ORIGIN:

On 19th September, 2007, an application by Terrain Group, on behalf of Caliber Consulting, to enter into a Development Agreement to permit an Open Space Subdivision, was presented to the Board by Joseph Driscoll, Planner.

RECOMMENDATIONS:

The primary concern of the Watershed Advisory Board is to protect the watershed and the natural environment. The Board appreciates the opportunity to comment on this application and recommends that:

1. The 20 metre buffer zones around watercourses be extended from 20 metres to 30 metres in accordance with the Board's Guidelines; and these buffer zones should be turned over to HRM.
2. The water quality of continuous streams should be tested for:
  - coliforms
  - suspended solids
  - phosphorous (to the microgram level)
  - dissolved Oxygen
  - pHone year before and for three years after construction of the infrastructure is complete. The annual timing of water testing should be seasonal. (May, August and November)
3. Future property owners should be required to retain the healthy trees on all undisturbed land.

4. A Storm Water Management Plan required under the Open Space Design Development Guideines, should be provided to HWAB for review and comment; and should include the provision of vegetative swales - either sodded or seeded, for storm drainage adjacent to roadways.
5. An erosion and sedimentation plan provided to HWAB for review and comment should be in place before construction begins, as per HRM's Open Space Development Guidelines.

BACKGROUND:

The proposed Oakfield Woods development site is located in the village of Oakfield near the outlet of Grand Lake into the Shubenacadie River. The site is bounded on the South East by Highway #2, on the South West by an existing subdivision and Frenchmans Road, and to the Northwest by the CNR main line. The proposal calls for an 88 lot hybrid open space design development with on-site water and septic systems. Lot modification is limited to 20% of the lot area.

DISCUSSION:

The Board is impressed with this proposal for the development of a sensitive area adjacent to a major provincial river. Efforts have been made to reduce the chance of water contamination by locating building and soil disturbance away from watercourses. The Board is pleased to see that there are currently no plans for roads to cross watercourses and that no building or disturbance will occur on identified wetlands. Strategic placement of parkland will create a continuous corridor along the south side of the development which could be extended to future development on adjacent parcels.

**Attachment "F"**  
**Relevant Regional Plan Policies**

3.5.1 Open Space Design Developments

Large-scale residential development may be considered through a development agreement if it is in some form of Open Space Design. Open Space Design Development is a creative form of development designed to conserve a connected system of open space. It begins with the identification of primary conservation areas to be protected - such as riparian buffers, wetlands, vernal pools, natural corridors, slopes exceeding 30%, rock outcropping, archeological sites, floodplains, and natural resources. It follows with the identification of secondary conservation areas that should be protected or carefully developed. These include mature forests, slopes between 15% and 30%, scenic views, trails, historic sites and buildings. Building sites are then located on the lands where soils are best suited for development and are then connected through a common road system. Lot lines are then drawn to delineate the extent of private or public ownership of the parcel.

In its classic form, Open Space Design Developments are designed to achieve connectivity in open space by retaining conservation areas under single ownership such as in the form of a condominium corporation or HRM. There are concerns, however, that the small lots required to achieve the classic form of Open Space Design may not be feasible in all areas of HRM without experiencing interference between private wells. There is also a desire by some homeowners to service the dwelling units with individual on site sewage disposal systems and the Nova Scotia Department of Environment and Labour will not allow these systems to be located off-site into the commonly owned lands. It may, therefore, be necessary to allow the entire parcel or portions of the development to be subdivided into large, privately-owned lots. HRM will strive to achieve Open Space Design in these areas by establishing maximum building site disturbance areas and minimizing the extent of road development to avoid impact on the primary and secondary conservation areas. This form of Open Space Design Development may be considered only in the Rural Commuter and Rural Resource Designations.

In areas where there are sufficient soil and water conditions to allow the developer to set aside a significant majority of the parcel as common open space, densities will be increased from one unit per hectare to one unit per 0.4 hectares. This form of Open Space Design Development may be considered in all rural designations, including the Agricultural Designation, as it would leave a substantial amount of the conservation land intact under single ownership. This would minimize the impact of development on larger tracts of land required to maintain a viable commercial farm.

To provide an opportunity for more active use of the common open space, consideration of golf courses as an appropriate use within the classic form of Open Space Design Development shall be given during secondary planning processes. Given the prevalent use of pesticides and irrigation needs of golf courses it may be most appropriate that golf courses only be considered within centres where municipal water distribution systems are to be provided. Analysis at the secondary planning level will benefit from the findings of watershed studies and community visioning.

- S-15 HRM shall permit the development of Open Space Design residential communities, as outlined in this Plan, within the Rural Commuter and Rural Resource designations and within the Harbour designation outside of the Urban Service Area, but not within the portions of the Beaver Bank and Hammonds Plains communities as identified in the Subdivision By-law under Policy S-25 and within the Rural Area Designation under the Eastern Passage/Cow Bay Plan Area. HRM will consider permitting the maximum density of such developments to one unit per hectare of gross site area. In considering approval of such development agreements, HRM shall consider the following:
- (a) where the development is to be serviced by groundwater and as determined through a hydrogeological assessment conducted by a qualified professional, that there is an adequate supply of ground water to service the development and that the proposed development will not adversely affect groundwater supply in adjacent developments;
  - (b) that there is sufficient traffic capacity to service the development;
  - (c) the types of land uses to be included in the development which may include a mix of residential, associated public or privately-owned community facilities, home-based offices, day cares, small-scale bed and breakfasts, forestry and agricultural uses;
  - (d) whether soil conditions and other relevant criteria to support on-site sewage disposal systems can be met;
  - (e) the lot frontages and yards required to minimize the extent of road development, to cluster building sites on the parcel and provide for appropriate fire safety separations;
  - (f) that the building sites for the residential units, including all structures, driveways and private lawns, do not exceed approximately 20% of the lot area;
  - (g) approximately 80% of the lot is retained as a non-disturbance area (no alteration of grades, except for the placement of a well or on-site sewage disposal system in the non-disturbance area shall be permitted and provision shall be made for the selective cutting of vegetation to maintain the health of the forest);
  - (h) that the development is designed to retain the non-disturbance areas and to maintain connectivity with any open space on adjacent parcels;
  - (i) connectivity of open space is given priority over road connections if the development can be sited on the parcel without jeopardizing safety standards;
  - (j) trails and natural networks, as generally shown on Map 3 or a future Open Space Functional Plan, are delineated on site and preserved;
  - (k) parks and natural corridors, as generally shown on Map 4 or a future Open Space Functional Plan, are delineated on site and preserved;
  - (l) that the proposed roads and building sites do not significantly impact upon any primary conservation area, including riparian buffers, wetlands, 1 in 100 year floodplains, rock outcroppings, slopes in excess of 30%, agricultural soils and archaeological sites;

- (m) the proposed road and building sites do not encroach upon or are designed to retain features such as any significant habitat, scenic vistas, historic buildings, pastoral landscapes, military installations, mature forest, stone walls, and other design features that capture elements of rural character;
- (n) that the roads are designed to appropriate standards as per Policy T-2;
- (o) views of the open space elements are maximized throughout the development;
- (p) opportunities to orient development to maximize the capture of solar energy;
- (q) the proposed residential dwellings are a minimum of 800 metres away from any permanent extractive facility;
- (r) the proposed development will not significantly impact any natural resource use and that there is sufficient buffering between any existing resource use and the proposed development to mitigate future community concerns; and
- (s) consideration be given to any other matter relating to the impact of the development upon surrounding uses or upon the general community, as contained in Policy IM-15.

IM-15 In considering development agreements or amendments to land use by-laws, in addition to all other criteria as set out in various policies of this Plan, HRM shall consider the following:

- (a) that the proposal is not premature or inappropriate by reason of:
  - (i) the financial capability of HRM to absorb any costs relating to the development;
  - (ii) the adequacy of municipal wastewater facilities, stormwater systems or water distribution systems;
  - (iii) the proximity of the proposed development to schools, recreation or other community facilities and the capability of these services to absorb any additional demands;
  - (iv) the adequacy of road networks leading to or within the development;
  - (v) the potential for damage to or for destruction of designated historic buildings and sites;
- (b) that controls are placed on the proposed development so as to reduce conflict with any adjacent or nearby land uses by reason of:
  - (i) type of use;
  - (ii) height, bulk and lot coverage of any proposed building;
  - (iii) traffic generation, access to and egress from the site, and parking;
  - (iv) open storage;
  - (v) signs; and
- (c) that the proposed development is suitable in terms of the steepness of grades, soil and geological conditions, locations of watercourses, marshes or bogs and susceptibility to flooding.