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1. CALL TO ORDER

The meeting was called to order at 7:00 p.m in the Thomas Raddall Room of the Keshen Goodman Library, 330 Lacewood Drive, Clayton Park.

2. APPROVAL OF MINUTES - September 26, 2005

MOVED by Councillor Rankin, seconded by Councillor Meade, that the minutes of September 26, 2005 be approved as circulated. MOTION PUT AND PASSED UNANIMOUSLY.

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

ADDITIONS: 12.1 Halifax Regional Libraries - Update (Presentation)

12.2 Notification of Public Hearings in Rural Areas - Councillor Meade

12.3 Review of Three-Way Stop Sign in Glen Arbour - Councillor Meade

MOVE: Item 7.1.1 Variance Appeal to be dealt with immediately following the approval of the order of business.

Item 10.1.1 to be dealt with immediately following Item 7.1.1

Item 12.1 to be dealt with immediately following item 10.1.1

MOVED by Councillor Meade, seconded by Councillor Rankin, that the Order of Business, as amended, be approved. MOTION PUT AND PASSED UNANIMOUSLY.

7. CONSIDERATION OF DEFERRED BUSINESS

7.1 Variance Appeal

7.1.1 Case No. 12206 - Variance at Civic No. 642 Ketch Harbour Road, Portuguese Cove

- A report dated September 19, 2005 was before Community Council.
- A Supplementary Report dated October 20, 2005 was before Community Council.

Mr. Andrew Faulkner, Development Officer, presented the reports.

There being no questions of Community Council, Councillor Adams opened the Variance Appeal hearing calling for any speakers within 30m of the property to come forward at this time.

Public Speakers:

Ms. Christine Ulan (Ms. Ulan also represented her daughter (Patricia) who is a co-owner of the abutting property).

Ms. Ulan spoke against the variance commenting that the proposed variance would adversely affect enjoyment of her property. She concluded her comments by stating that if the appeal is not granted it is hoped that the record will show that future owners are entitled to similar benefits. Ms. Ulan's comments were submitted in writing and a copy is on file.

The owner of the property at 642 Ketch Harbour Road advised that he had no comments to make at this time.

Councillor Adams called for any further speakers to come forward. Having no further speakers upon the third and final call, it was **MOVED BY Councillor Rankin, seconded by Councillor Meade that the variance appeal hearing be closed. MOTION PUT AND PASSED.**

Councillor Adams clarified that there was no intentional disregard of the By-law by the property owner as permission was requested in advance of construction.

MOVED BY Councillor Rankin, seconded by Councillor Meade that the Western Region Community Council uphold the Development Officers decision to approve the variance. MOTION PUT AND PASSED.

The Community Council previously agreed to deal with item 10.1.1 at this time.

10.1 STAFF REPORTS

10.1.1 Case 00640: Development Agreement, 7990 St. Margaret's Bay Road, Ingra port

- A staff report dated October 13, 2005 was before Community Council.

MOVED BY Councillor Meade, seconded by Councillor Rankin that Western Region Community Council move notice of motion to consider the development agreement as set out in Attachment "D" of the staff report dated October 13, 2005 to permit 17 townhouse units, a marina building and a 31 berth docking facility at 7990 St.

Margaret's Bay Road in Ingramport (PID 40731606), and to schedule a public hearing for November 28, 2005 at the Black Point Fire Hall at 7:00 pm. MOTION PUT AND PASSED UNANIMOUSLY.

The Community Council agreed during the approval of the agenda to deal with item 12.1 at this time.

12. ADDED ITEMS

12.1 Halifax Public Libraries

Ms. Judith Hare, CEO of Halifax Public Libraries, Mr. Peter Doig, Past CEO and active member of the Board of the Halifax Public Libraries.

The following comments were raised:

- JD Shatford Branch in Hubbards - smallest library (serves 1,561 with circulation of 52,000 items per year). There is a water quality issue at the branch and a new well is required. A new well will be drilled in the near future.
- Tantallon Branch (Exit 5): newest branch and very busy (serves 15,682 with circulation of 336,000 items per year). Biggest issue is preparing for the youth expected from the High School under construction across the street (school to open in September 2006).
- Captain William Spry (Spryfield): Serves 27,123. It is the pilot site for wireless service and portable IT lab. This Centre is also working with cities of Vancouver, Regina, Toronto and Halifax to reach out to disadvantaged communities to help improve information technology skills and assist in returning to the work force. Greatest need is refurbishing of the library (library was not done when upgrades were made to the Centre).

Mr. Peter Doig added that:

- the library system is made up of fourteen (14) branches across HRM that vary in age from buildings constructed in the 1950's to those built only a few years ago.
- in the mid 1990's it was identified that the Spring Garden Road branch, the oldest and busiest branch, would be a good site for a large, central, community reference library. Fiscal capacity was not available at that time for such a project. This led to more focus on the branches with changes such as: self check-out, Monday hours, increase in internet and computer use.
- Focus has been placed on where the community is growing so that library services would be in sync with that growth. The work plan that has developed from that focus is: replacing the Spring Garden Road branch with a central reference library followed by upgrades to the Woodlawn branch in Dartmouth and eventual expansion of the Keshen Goodman Library and Bedford branches.

- Discussion with funding partners and the community has occurred regarding the Spring Garden Road project. The current site is not suitable (for the central reference library) due to development challenges. Work is progressing with the old Infirmariland master planning study and it is hoped that library services may be included in that plan.

Councillor Adams thanked Ms. Hare and Mr. Doig for their presentation.

Councillor Adams left the meeting at 7:23 pm (to attend a community meeting in Spryfield). Councillor Rankin assumed the Chair at this time.

4. BUSINESS ARISING OUT OF THE MINUTES

STATUS SHEET ITEMS

4.1 HRM Issues

4.1.1 Councillor Meade - Regional Council Information Report re: Station Road Sewage Problem

No information received. Item to remain on status sheet.

4.1.2 Councillor Rankin - West Dover Area, Request for Land Transfer to HRM

No information received. Item to remain on status sheet.

4.1.3 Petition - Express Bus Services from Exit 5 to Downtown Halifax

No information received. Item to remain on the status sheet.

4.1.4 Water Service Boundary - St. George Blvd, Kingswood

No information received. Item to remain on status sheet.

4.1.5 Proposed Amendments to MPS and LUB for Mainland South and Former District 5 re Watercourses

No information received. Item to remain on status sheet.

4.1.6 Distinguishing Distinctive Communities in Phone Book (MT&T)

No information received. Item to remain on status sheet.

4.1.7 Fire Services - Proposed Service Standards

No information received. Item to remain on status sheet.

4.1.8 Entrance to Silver Birch - Lake of the Woods Estates

No information received. Item to remain on status sheet.

4.2 Provincial Issues

4.2.1 Councillor Meade - Re-evaluation of Request for Traffic Lights - St. Margaret's Village

No information received. Item to remain on status sheet.

4.2.2 Councillor Adams - Illegal Dumping: Look-off on John Brackett Drive

No information received. To remain on status sheet.

4.2.3 Lack of Second Exit in Highland Park

No information received. To remain on status sheet.

4.2.4 Paving of the Terrence Bay Road including Sandy Cove

No information received. To remain on status sheet.

5. MOTIONS OF RECONSIDERATION - NONE

6. MOTIONS OF RESCISSION - NONE

7. CONSIDERATION OF DEFERRED BUSINESS

7.1 Variance Appeal

7.1.1 Case No. 12206 - Variance at Civic No. 642 Ketch Harbour Road, Portuguese Cove

This item was dealt with earlier in the meeting. See page 4.

8. PUBLIC HEARINGS - NONE

9. CORRESPONDENCE, PETITIONS AND DELEGATIONS

- 9.1 Correspondence - None
- 9.2 Petitions - None
- 9.3 Presentations

9.3.1 Regional Plan

- A copy of Draft #2 of the Regional Plan is available online at www.halifax.ca/regionalplanning/index.html.

Mr. Austin French, Project Manager, Regional Plan, assisted by Mr. Peter Duncan, Manager, Environment, Ms. Kelly Denty, Development Officer, Subdivision and Land Use (By-Law), Mr. John Charles, Planner (Environmental), Mr. Dave McCusker, Manager, Transportation Engineering, Mr. Tim Burns, Planning Technician, presented an oral update on the Regional Plan. District fact sheets were available for the public.

Mr. French advised that there will be an approximate 30% increase in the number of dwelling units and a 20% increase in actual population in the next twenty-five years, bringing the total population to approximately 455,000. The four pillars under the Regional Plan include strategies to: protect the natural environment, encourage growth in a series of mixed use centres, link communities through investment in transit, roads and an active transportation systems, build fiscally sustainable communities and a strong economy.

Protection of Open Space/Watershed/Parkland:

- The regional plan is designed to protect the large open space system. Open space includes the provincial park system and lands covering the interior of the municipality.
- Watershed analysis will be required in the community planning process including buffer requirements around watercourses and a 2.5 metre minimum elevation for development to reduce risk of coastal flooding.
- The parkland dedication requirement will be increased from 5% to 10% on almost all new subdivisions. Lands of 60 regional parks and 14 natural corridors will be protected to maintain the connectivity with open space.

The future pattern of growth and development is based on the concept of compact, well designed, mixed use centres linked to one another and to the regional centre by an integrated transportation system. The Urban Settlement designation (USD) encompasses the urban core (expected to attract 25% of residential growth over 25 years) and the suburban area (expected to attract 50% of residential growth).

Mr. French outlined the changes to the draft Regional Plan as follows:

Conventional Subdivisions: This draft of the Regional Plan will permit any number of lots on existing local roads, wide frontages on trunk and new roads, up to eight (8) lots on new roads intersecting local roads and in the rural resource designation - up to eight (8) lots on new roads intersecting any road including the trunk road. This change is due to rural landowners/small developers and residents wanting more opportunity for conventional lot subdivision and to be able to create enough lots to cover the cost of constructing a new local road.

Cluster Subdivisions: This draft of the Regional Plan includes the addition of a second Hybrid Option which uses large private lots in clusters of houses instead of parcels. Natural open space is still preserved but under individual private ownership. The hybrid subdivision would have one unit per 2.5 acres. Most of the site would be divided in private lots with a restriction that there would be no more than approximately 25% disturbance on each lot. Examples were shown (PowerPoint) of this type of conventional vs. hybrid subdivisions

The open space approach identifies key natural features and seeks to conserve a large portion of the landscape in its natural state. The developed portion resembles a village with small blocks that encourage walking. Natural features beyond the development are preserved on common land owned by homeowner's associations, land trusts or the municipality. There is an emphasis on natural linkages such as shorelines. Examples were shown (on PowerPoint).

Affordable Housing: Clarification of HRM's role regarding affordable housing indicates that HRM is encouraging *consideration* of affordable housing options during the community planning process.

Service Boundary: All new service boundaries will be dealt with during consultation with local land owners and community members.

Road Restriction Capacity: long term road proposals (time frames) omitted: The new draft Regional Plan has more acceptable time frames for future roads and more long term corridors for acquiring land. There will be restrictive development to protect the road traffic/safety issues in the Beaver Bank Road and Hammonds Plains Road areas.

Regional Parks: Addition of Feely Lake, near Middle Sackville as a Regional Park.

Islands: Development to be by development agreement only with the condition to protect coastal communities.

Minimum Coastal Elevation: reduces minimum elevation to 2.5 metres until more accurate, detailed mapping is obtained. This is an interim measure pending coastal hazard mapping. HRM does have funding resources to move forward with the mapping.

Once the detailed mapping of the coastline is complete, this section of the Regional Plan will be reviewed.

Heritage Properties: more prominence and recognition encouraged for heritage properties and heritage districts (clusters of heritage properties), natural landscapes and views.

Mr. French concluded his presentation indicating that presentations will be made to the six Community Councils followed by a report to Regional Council in November with a public hearing scheduled for January 2006 if the draft Regional Plan is approved by Regional Council. If the Regional Plan is approved, there will be a community visioning process. He added that District Fact Sheets are available with information specific to each district.

Questions/comments from the public:

1. Mr. Eugene Pettipas, Sambro Head

- Encouraged to see the compromises that have been made regarding rural development.
- He inquired if the eight lots to be developed on a new road off an existing rural road were per year or in total.

Mr. French responded that the eight lots would be in total. Councillor Rankin added that there would be no time line for the completion of those lots. Ms. Denty responded that it would be possible to build a road and then add an extension. Mr. French further clarified for Mr. Pettipas that larger parcels (more than eight lots) are encouraged to be developed as an open space design or the hybrid design, which are adaptable, and would include a public process. He further clarified for Mr. Pettipas that 100 - 200 acres could be developed over time.

2. Mr. Wayne Rogers, Lacewood Drive

- Encouraged to see that the first pillar is protection of the natural environment.
- HRM commissioned a study on the Western Common a number of years ago and developed a plan for it but there is no mention of the 5,000 - 6,000 acres of possible recreation opportunity (land) known as the Western Common. Why was it not included in the Regional Plan?
- There seems to be very little public access to salt water in the HRM area and there should be public access to salt water in various locations throughout HRM.

Mr. John Charles responded that the Western Common is designated as a Regional Park and is included in the Regional Plan. There will be follow-up studies on that land

which is included in the open space functional plan. The open space functional plan includes an overall intent to investigate issues of salt water access. Mr. French added that there is a requirement for a 20 foot setback from all water courses including the marine environment. There is a provision in the plan for trails.

3. Mr. Steve Williams, Tantallon area.

- Requested clarification on the eight lots / hybrid subdivision. He inquired if the lots could vary in size. For example: with 100 acres, one unit per 2.5 acres could mean 40 units on that land, can the lot sizes vary?

Mr. French responded that in regard to gross density, the key is in the design - design that makes sense for open space and reducing the roads. If you want to do more units then you would go to the classic open space design and the hybrid design would be for higher density again and would include shared wells/septic.

4. Mr. Larry Camp, Tantallon

- Is an amendment required to provincial legislation?

Mr. Peter Duncan responded that technically there is no amendment required at this time. The Department of Environment (DOE) regulations call for a responsible management entity. Currently the only two such entities would be condominiums or the public realm (HRM). In areas such as Fall River and Tantallon, a waste water management system will be reviewed for the growth areas.

Councillor Rankin requested information on the issue of water quality/quantity. He explained that due to a lack of water quality/quantity studies prior to previous developments, issues with water have occurred. As a result, HRM is now requesting that hydrological studies be done by the developers. He added that it is not clear whether the province has given/will give HRM authority to do hydrological studies. Will this issue be brought forth during the public hearing process?

Mr. French responded that a legislative change at the provincial level would be required for HRM to have the authority to *deny* a permit under a "by-right" situation (smaller scale subdivision). Currently, HRM does not have the authority to demand a hydrological test or water quality/quantity test. The Regional Plan anticipates that the province will adopt a legislation to provide this ability. For larger "by-right" subdivisions, it is still unknown and discussions are ongoing with the province and legal services regarding this matter. He added that a *request* for a study is permitted.

- Eight lots would not be worth developing once you factor in the cost of a new road/pavement and possibly a turning circle at the end of that road. He added that

most buyers like the acre to an acre and a half property size.

Mr. Austin clarified that the intention is to provide an option for larger scale development such as the open space/hybrid design which are seen as being a reasonable compromise. He responded to Mr. Kemp that there is a classic open space design subdivision in the Glen Arbour area and the Voyageur Lakes area (off the Hammonds Plains Road) resembles the hybrid option. Mr. French further responded to Mr. Kemp that the remainder of the land (open space/natural area) would be the responsibility of the private landowner adding that there would have to be an extensive public education process.

- Mr. Kemp suggested that anyone with significant land holdings should appeal their assessment.
- He also commented that the meeting location (Thomas Raddall Room of the Keshen Goodman Library) is inappropriate as you hear the disturbances from the library.

5. Mr. Tom Swanson, Consultant Representing Several Developers who are developing their own waterfront properties (lakefront /oceanfront).

- He expressed concern, on behalf of the small developers, with the intention to legislate setbacks from watercourses to 20 - 60m especially for those properties with a lot of rock, bedrock, erosion or sediment issues. He questioned why HRM was taking the initiative upon itself as homeowners want to build within 20 to 30 feet of the water (10 m).
- He also questioned why it is necessary to keep trees and asked what is the justification for this as environmental issues are for the province to legislate.

Mr. French responded that environmental protection, through regulation of development, is a charge given to the municipality through the Municipal Government Act (to develop land use regulations which are appropriate to ongoing environmental management). He added that there has been positive feedback regarding the watercourse setback as well as a number of presentations to the Regional Planning Committee for an increase in the width of the buffer zone in order for it to be more stringent in vegetation protection. He added that it is entirely within the preview of HRM to regulate development in a way that supports a high level of water quality in HRM.

Mr. John Charles added that an increase in the riparian buffer would be based on slope and soil conditions. He explained that if the slope leading to the water course exceeded a flat plain, the setback could extend up to 60 m as 20 m is the *minimum* setback. He explained that with an extreme slope there would be more runoff and a formula will be used to prevent that runoff and sedimentation of the watercourse; the purpose being to preserve the water quality of the water courses and the vegetation.

- Mr. Swanson inquired if other technical possibilities would be considered to protect the water courses. He suggested the legislation be left open to additional methods of preserving the water quality.

Mr. Charles responded that a consulting firm reviewed watercourse protection across North America and recommended that HRM adopt the forestry guidelines that were recommended to the province as those guidelines provide consistent protection.

Ms. Denty, in response to Councillor Rankin, explained that the MGA defines a water course as: a lake, river, stream, ocean or other body of water.

6. Ms. Bev McGee, Seabright

- Requested clarification on “development by agreement” and the “conditions” regarding islands.

Mr. John Charles responded that development by agreement would be contract development with several provisions specifically in regard to the protection of coastal residents. Provisions would be introduced in the development agreement so that people in coastal areas could maintain their coastal life with little or no disruption. This method would provide for public input.

Mr. Charles clarified for Ms. McGee that the 20 m buffer does apply to island shorelines. He added the buffer may be more restrictive based on elevation.

7. Mr. John Abatti, Halifax

- In relation to the buffer, he questioned whether the vegetation along roadways/shorelines should be cut down. He added that he does not feel the vegetation should be cut down due to the benefit it provides in regard to: migration for many species, sheltering of water from the sun’s rays and as a buffer to water ways.
- He requested clarification on whether HRM has any say in the land that is owned by CNR (Canadian National Railway) or Nova Scotia Power (NSP) or the provincial Department of Transportation (DOT) in regard to clearing vegetation/trees along the buffer? If the roadway is within the 20m buffer, can HRM stop them (CNR/NSP/DOT/private landowners) from cutting down vegetation/trees?

Mr. Peter Duncan and Ms. Kelly Denty responded that no amount of municipal regulation would apply to provincially owned land. HRM can only regulate the cutting of trees in relation to a development agreement. He added there is not much HRM can do to prevent private land owners from cutting down trees. Mr. French and Mr. Duncan clarified for Mr. Abatti that if the landowner is not developing the land, HRM cannot enforce the

buffer and cannot prevent a landowner from cutting down the trees/vegetation. Ms. Denty provided examples of when a development agreement would be required (for example: the construction of a shed/deck or an addition to a home).

8. Ms. Michelle Mesa

- Considering that the cost of land is increasing almost daily, what provisions are being established to provide affordable housing options?

Mr. French responded that the Regional Plan considers the issue of affordable housing as follows:

1. The allocation of land based on population projection as it would naturally occur.
2. An effort to supply an ample amount of both fully serviced and un-serviced land over time.
3. Having mixed-use communities such as the Morris-Russell Lake area in Dartmouth where there is a strong mix of housing types in one area.
4. Incorporating the transit oriented approach into the (planning) process from the beginning will give the option of transit to more people and will have significant implications on the disposable household income which will then enable housing affordability.

There being no further speakers, Councillor Rankin thanked the members of the public who shared their comments and staff for their presentation. A report (second draft of the Regional Plan) is expected to be made available by mid-November.

10. REPORTS

10.1 STAFF REPORTS

10.1.1 Case 00640: Development Agreement, 7990 St. Margaret's Bay Road, Ingramport

This item was dealt with earlier in the meeting. See page 5.

11. MOTIONS - NONE

12. ADDED ITEMS

12.1 Halifax Public Libraries

This item was dealt with earlier in the meeting. See page 6.

12.2 Public Hearing Notification Area for Development Agreements/Rezoning Matters

MOVED BY Councillor Meade, seconded by Councillor Rankin that the Western Region Community Council request a staff report on expanding the notification area for public hearings in rural areas on matters of development agreements and rezoning as the notification area in rural areas (500') does not have the same population density as in an urban/suburban area. MOTION PUT AND PASSED.

12.3 Re-evaluate the Three Way Stop Sign in Glen Arbour

MOVED BY Councillor Meade, seconded by Councillor Rankin that the Western Region Community Council request a staff report re-evaluating the use of a three way stop as a traffic calming measure (a means to slow traffic) in Glen Arbour. MOTION PUT AND PASSED.

13. NOTICES OF MOTION - NONE

14. PUBLIC PARTICIPATION

No speakers presented at this time.

15. NEXT MEETING

November 28, 2005 - to be held in the Black Point Fire Hall, 8579 St. Margarets Bay Road, Black Point beginning at 7:00 pm.

16. ADJOURNMENT

The meeting was adjourned at 8:37 pm.

Chris Newson
Legislative Assistant