
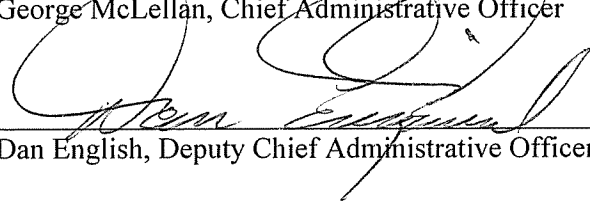


Halifax Regional Council
February 17, 2004

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY:


George McLellan, Chief Administrative Officer


Dan English, Deputy Chief Administrative Officer

DATE: February 17, 2004

SUBJECT: Ministerial Order - Development Moratorium - Unserviced Areas, HRM

ORIGIN

Ministerial Order dated January 22, 2004, creating an Interim Planning Area in much of the unserviced area of Halifax Regional Municipality and providing for growth management regulations in that area.

RECOMMENDATION

It is recommended that Regional Council request the Minister of Service Nova Scotia and Municipal Relations amend the Ministerial Order to make provision for:

- (1) Grand fathering all active completed "tentative" subdivision applications submitted prior to January 22, 2004; and
- (2) Allowing the subdivision of new lots that have frontage on or access to existing public streets or approved private roads (which would include those roads identified on completed "tentative" subdivision applications which will be grand-fathered under #1).

BACKGROUND

Feedback received so far regarding the 90-day Ministerial Order indicates strong support from the general public for managing dispersed, unserviced development (sprawl). This continues to be the focus of the interim plan amendment process. The options put forth in this report provide for in-fill of existing rural subdivisions, and are in keeping with Regional Planning goals and objectives.

Staff have worked with many varied stakeholder groups during the time the order has been in place, and have received support for growth management. In meeting with the residential development group of stakeholders in the weeks since the Ministerial Order, there are two areas of concern that Council may want to consider, while maintaining the over-all goal of managing dispersed development.

The first pertains to planned developments that were in the form of completed tentative subdivision applications prior to the time the Order was issued on January 22, 2004. In those cases, the applicants had already spent money to have the necessary plans, etc. prepared, and were committed to the further expenditure of money to put in a road, clear other lands, etc.

The second area involves subdivisions on existing streets and roads, whether public or private, and allows in-fill and use of existing infrastructure.

DISCUSSION

When staff originally approached the Province about the possibility of the Minister issuing this Ministerial Order, there were concerns that there could potentially be a flood of new "tentative" subdivision applications between the time of the request by Council and the actual signing of an order. Therefore, in drafting the order, provisions were included to prevent this from happening. If this flood of new "tentative" subdivision applications had materialized, it would also have resulted in many more new streets and roads. Fortunately, because the Minister responded in an expeditious manner, the new subdivision applications did not have the opportunity to materialize and staff now feel that the present stock of "tentative" subdivision lots and new streets and roads is manageable.

Therefore, the following action is proposed for your consideration:

1. Grandfather all active completed "tentative" subdivision applications, submitted prior to January 22, 2004.
2. Allow the subdivision of all lots that have frontage on or access to existing public streets or approved private roads (which would include those roads identified on the completed "tentative" plans which will be grand-fathered under #1). This would allow infl. subdivision to occur along all existing streets in established communities.

All of the approaches for growth management plan amendments being presented at the Public Information sessions from Feb. 16 to Feb. 23 contain the above elements, and staff would be recommending such actions when they come before Council with proposed amendments to the various MPS documents, in March.

Approximately 1,000 lots will be created by Grand fathering the active completed "tentative" subdivision applications submitted prior to January 22, 2004.

Approximately 1,200 subdividable lots are available on existing streets and roads, translating into approximately 4,000 +/- lots (under good conditions, further analysis would be necessary to confirm).

As a result, it is recommended that Council request the Minister of Service Nova Scotia and Municipal Relations amend the Ministerial Order to make provision for these two further exemptions.

BUDGET IMPLICATIONS

There are no budget implications for the proposed recommendations.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

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

ALTERNATIVES

Council could choose to wait until staff returns with a recommendation for amendments to the various MPS documents, in March. This is not recommended for the reasons outlined in the report.

ATTACHMENTS

None

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

Report Prepared/Approved by: _____

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