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P.O. Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Halifax Regional Council
February 22, 2005

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY: *for Julia Haincastle*
Councillor Harry McInroy, Chair, Harbour East Community Council

DATE: February 7, 2005

SUBJECT: Morris-Russell Lake Master Plan

ORIGIN

Harbour East Community Council - February 3, 2005

RECOMMENDATION

It is recommended that:

1. **Halifax Regional Council approve the revised Morris-Russell Lake Secondary Planning Strategy recommended by the Public Participation Committee.**
2. **The Public Participation Committee's recommendations be amended to include the amendments outlined by staff in the discussion section of the staff report dated January 26, 2005.**
3. **Further, Caldwell Road be maintained with the section from Altholea Drive to Portland Street remaining a minor collector and from Altholea Drive to Eastern Passage being a major collector.**

BUDGET IMPLICATIONS

There are no budget implications.

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

None suggested at this time.

ATTACHMENTS

Staff report dated January 26, 2005
Committee report dated January 24, 2005
Staff report dated December 21, 2004
Committee report dated December 22, 2004

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

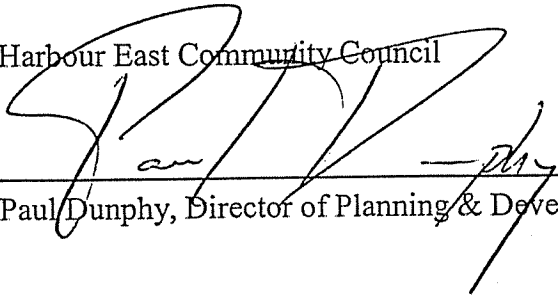
Report Prepared by: Julia Horncastle, Legislative Assistant, Governance and Strategic Initiatives Telephone: 490-4211

Harbour East Community Council
February 3, 2005

TO:

Harbour East Community Council

SUBMITTED BY:


Paul Dunphy, Director of Planning & Development Services

DATE:

January 26, 2005

SUBJECT:

Morris-Russell Lake Master Plan

SUPPLEMENTARY REPORT

ORIGIN

This report is in response to:

- issues raised by staff at the January 6, 2005 Community Council meeting;
- questions raised by Community Council at the January 6, 2005 Community Council meeting; and
- the Morris-Russell Lake Public Participation Committee's January 24, 2005 Supplementary Report to Community Council.

RECOMMENDATION

It is recommended that:

- The revised Morris-Russell Lake Secondary Planning Strategy recommended by the Public Participation Committee be forwarded to Regional Council for approval; and
- The Public Participation Committee's recommendations be amended to include the amendments outlined by staff in the discussion section of this report.

BACKGROUND

At their January 6, 2005 meeting, Harbour East Community Council received a report from the Morris-Russell Lake Public Participation Committee with recommended amendments to the Morris-Russell Lake Secondary Planning Strategy (for insertion in the Municipal Planning Strategies for Dartmouth, Cole Harbour/Westphal and Eastern Passage/Cow Bay).

In a separate report, staff recommended that the Committee recommendations be referred to staff for a report at the next meeting of the Community Council. Deferral had been requested to allow for:

- a final staff evaluation of the Committee's recommendations; and
- to review the implications of correspondence received from Imperial Oil Limited which had been received after the Committee had finalized its recommendations.

The Community Council accepted the staff recommendations and also raised several questions which are addressed in this report.

DISCUSSION

Staff supports the proposed Morris-Russell Lake Secondary Planning Strategy. The proposed plan represents a significant contribution to municipal planning by the Public Participation Committee and a substantial amount of public consultation and input. The Plan contains appropriate policies to guide future development of this area in a manner which will create a well planned mixed use community. The plan takes a comprehensive approach to planning the area's settlement pattern, public open spaces and environmental protection. This planning is also integrated with infrastructure services such as transportation, public transit, storm/sanitary sewers and water supply.

There are four minor areas in which staff recommend amendments to the proposed Secondary Planning Strategy. These items primarily relate to administrative matters and do not undermine the fundamental integrity of the proposed Plan. The four recommended amendments are outlined below.

1. The Committee Recommendations:

- (i) Caldwell Road should be classified as a major collector road.

The major collector road classification reflects the road's actual function and traffic levels. This classification also justifies priority snow plowing and makes it eligible for prioritized funding in the annual road maintenance budget. It should be noted that a major collector classification does not mean that the number of lanes on the road will automatically be increased. Any substantial expansion of the road will be subject to the annual budget process which requires Regional Council approval.

- (ii) The proposed policy requiring the Municipality to notify the public of sewage overflows should be deleted (ie. delete clause (d) of the revised policy ML-12 presented in the Committee's January 24, 2005 Supplementary Report).

Environmental Management Services (EMS) currently has standardized written procedures for sewer emergencies and sewer cross connections. These procedures were approved by the N.S. Dept. of Environment & Labour, and the Medical Officer of Health which are the legislative authorities for such matters. It is not appropriate to adopt a unique notification procedure for one area of the Municipality. Municipal protocols should be consistent to ensure a similar level of service to all areas of the Municipality and to avoid any confusion to the public. EMS will continue discussions with both Provincial departments regarding consistent notification protocols on a region wide basis.

- (iii) The second sentence of policy ML-12 (which directs the Municipality to prepare and implement a wastewater management plan) should begin with the words "Subject to the availability of funding".
- (iv) Policy ML-33 which directs the Municipality to conduct water sampling at Birches Park during the summer months to monitor bacteria and pollutant levels within Morris Lake should be deleted.

Birches Park is not a supervised Municipal swimming area where testing procedures are in place. There are numerous informal swimming areas throughout the Municipality. Any decision to conduct testing beyond Municipal swimming areas should be considered on a regional basis with consideration given to the costs and benefits in consultation with the Medical Health Officer and the N.S. Dept. of Environment & Labour.

While clearly the intent of policy ML-33 is to be able to alert the public of health risks associated with polluted water, testing may not be the best mechanism of accomplishing this as test results are normally not available for a couple of days after samples have been taken. It is largely suspected that overflows from the Anderson Street pumping station are a significant contributor to high concentrations of pollution in the lake. EMS has advised that the N.S. Dept. of Environment & Labour has directed the Municipality to complete the Ellenvale Wastewater Management Study and to initiate discussions and agree upon which options and recommendations are most appropriate for implementation within the sewershed. The Municipality has agreed to complete this within three years. Implementation of this initiative will be much more effective in reducing potential health risks.

2. *Imperial Oil Lands:*

HRM staff met with representatives of Imperial Oil on January 11th and 13th of this year. The issues raised and actions to be taken were summarized in correspondence from Paul Dunphy, Director of Planning and Development, to Brian Fairley, Regional Manager for Imperial Oil and the response received (attachments I and II). A representative for Imperial Oil also attended the January 18th meeting of the public participation committee. No objections were expressed to the policy amendments proposed pertaining to the Imperial Oil lands (recommendations 5 to 7 of the Committee report).

Staff is currently reviewing the requirements for undertaking a risk assessment, as recommended by Imperial. Based on a preliminary review of published guidelines, proposed development within the Morris-Russell lake secondary plan area will conform with recommended separation distances from hazardous substances.

3. *Questions Raised by Community Council:*

What is the time frame for completion of the proposed Hwy. 111 Interchange at Woodside Industrial Park and the Caldwell Road Connector and can the Municipality be guaranteed that the needed land acquisitions will be forthcoming?

A portion of the budget for the design and construction of the interchange was approved by Council in the 2004/05 budget. The remaining funds were identified in the subsequent 2005/06 budget commitments. Funding contribution from the Federal and Provincial Governments under the Canada-Nova Scotia Infrastructure Program has been confirmed and Clayton Developments has agreed to finance the extension of Baker Drive to the interchange (conditional upon approval of the first phase Russell Lake West development agreement). Construction of this first phase is expected to commence this summer and be completed by the fall of 2006.

Phase two will extend Mount Hope Avenue in the Woodside Business Park to the new interchange. Innovacorp, the new owner of the park, or the Province would assume costs for this extension. Innovacorp has expressed considerable interest in this project and are currently working on securing financing.

Phase three will extend a connector road from the interchange to Caldwell Road. This is a longer term project which will require securing lands for the right-of-way from private property owners. No time frame has been established for this phase.

Will the new interchange relieve traffic congestion without the Caldwell Connector Road and should the Municipality wait until land needed for the road right-of-way is secured before committing funding for the interchange project?

Traffic & Transportation Services has advised that connecting Baker Drive to the new interchange will provide immediate relief to congestion on Portland Street. Residents of Portland Estates travelling to Pleasant Street will have a convenient opportunity to do so without travelling on Portland Street. Traffic from existing businesses on Baker Drive will also have an alternative route to get on to Highway 111. Ultimately, the Caldwell Road connector is expected to provide a more comprehensive solution to managing traffic throughout the surrounding communities.

The Department of National Defence and Canada Lands Company are well aware of the Municipality's interest in securing land for the roadway over the Shearwater Base and have committed to cooperating their planning activities. Correspondence from Canada Land Company which expresses this intent is presented as Attachment III. This correspondence indicates a commitment to ensuring that the Caldwell Road connector can be constructed regardless of any final small adjustments to the boundaries of their land holdings.

It is important to recognize that inaction by the Municipality on constructing the 111 interchange will pose a risk to funding from the senior levels of government and the private sector. If funding is lost, it will take much longer to advance and complete a project which will provide significant benefits to residents throughout the area. It should also be understood that if the interchange is delayed or not built, the Federal and Provincial funding cannot be spent elsewhere in the Municipality at HRM's discretion. The funding will be retained by the two levels of government to be spent at their discretion according to their evolving priorities.

Why do developers have representation on the public participation committee?

With the adoption of amendments for the Morris - Russell Lake master plan area in 1999 by Regional Council, the role of the public participation committee was articulated in the following policy.

ML-1 It shall be the intention of Council to immediately undertake the preparation of a Master Development Plan for the Morris-Russell Lake area as generally indicated on Map 9M to ensure development occurs in an environmentally sensitive and comprehensive manner. The Plan shall be developed in consultation with property owners, residents of the area, the Dartmouth Lakes Advisory Board, and the general public. To achieve this goal, it shall be the intention of Council to establish a public participation committee which will (a) identify the issues and constraints to future development in the area; (b) determine alternatives and solutions to address issues and concerns identified; and (c) collaborate to produce a conceptual plan for the entire Morris -Russell Lake area.

The Committee's terms of reference is reproduced as attachment IV. Developers were included as the "five land owner representatives". The committee mandate and composition was intended to provide an opportunity for all interested parties to participate in preparing a plan for the area.

BUDGET IMPLICATIONS

The cost implications to implement a number of these policies was raised at the January 6th meeting of Community Council and it was suggested that estimates be provided. At this point, it is not possible to provide estimates for several reasons. Firstly, the costs of upgrading service systems will not be known until studies are completed. For example, the costs of transportation upgrades around Portland Street and Norman Newman Boulevard cannot be determined until the study called for under policy ML-9 is undertaken. Similarly, the costs of sewer system upgrades cannot be determined until the waste water management plans referenced under policy ML-12 are completed (a waste water management study for the Ellenvale Run sewershed is near completion and calls for proposals have been made for a study of the Eastern Passage sewershed).

A capital cost contribution study is currently being prepared for the Morris-Russell Lake area in accordance with policies adopted by the Municipality. Further implications regarding capital costs will be made available once this study is completed. This analysis will be brought before Council before any development can occur on the site.

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. Recommend to Regional Council approval of the Morris-Russell Lake Secondary Planning Strategy as proposed by the Public Participation Committee with amendments recommended by staff in this report;
2. Recommend approval of the Secondary Planning Strategy with amendments determined by the Community Council;
3. Refer the matter back to staff and the Public Participation Committee for further deliberation. If this option is chosen, the specifics of the matters to be reviewed should be articulated.

ATTACHMENTS

- I Correspondence from Paul Dunphy, Director of Planning & Development Services to Brian Fairley, Regional Manager, Imperial Oil Ltd., dated January 17, 2005.
- II Correspondence from Brian Fairley, Regional Manager, Imperial Oil Ltd. to Paul Dunphy, Director of Planning & Development Services, dated January 18, 2005.

- III Correspondence from Ron Pachal, Canada Lands Company, to Paul Owens, ACOA Account Manager, dated January 14, 2004.
- IV Terms of Reference for Public Participation Committee for Morris and Russell Lake Master Plan (December 4, 2003)

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

Report Prepared by: Paul Morgan, Planner, Regional Planning

By fax: 420-7296

January 17, 2005

Mr. Brian Fairley, Regional Manager
Imperial Oil Ltd.
600 Pleasant Street, P.O. Box 1001
Dartmouth, NS B2Y 3Z7

Dear Mr. Fairley:

**Re: Imperial Oil Ltd. Refinery Operations on Pleasant Street in Dartmouth and the
Morris/Russell Lake Master Development Plan**

Thank you for meeting with our staff last Tuesday, January 11th and again on Thursday, January 13th. Your willingness to meet on short notice is sincerely appreciated in light of the importance of this planning project to our Municipality. As was agreed upon at our last meeting, the following points summarize the issues raised and the actions to be taken in response. These are provided as follows:

1. *Municipal Zoning:*

You expressed concern towards the comprehensive development district (CDD) and holding (H) zones which were applied to the rear portions of your property in the vicinity of Morris Lake when the package of amendments for the Morris/Russell Lake Master Development Plan Area were adopted by the Municipality in 1999. The effect has been to make your activities, pipes and pump house in this area nonconforming under provincial planning legislation.

It was agreed that HRM will prepare amendments to the CDD and H zone which would permit all equipment, structures and buildings associated with extracting water from Morris Lake to your refinery operations. The proposed amendment will remove the nonconforming designation from your existing activities, pipes and pump house. The amendment will also allow new construction of pipes and buildings which may be required in the future. The proposed amendments will be forwarded to you for review and, assuming agreement can be reached, our staff will recommend approval to our council.

2. *Potable Water Supply in Relation to the Imperial Oil Property:*

You advised that you did not necessarily object to the location and alignment of this road over the Imperial Oil Property provided certain conditions can be satisfied. Firstly, an agreement must be reached regarding the measures needed to prevent unauthorized access to your property from the new roadway or adjacent lands while allowing your company access to the water main and pumping station

Brian Fairley
Imperial Oil Ltd.
January 17, 2005
Page 2

which provide water supply from Morris lake. Secondly, soil testing must be undertaken to ensure that the roadway alignment and design does not disturb old fill or disposal sites.

It was agreed that construction of security measures and soil testing will be incorporated into the Municipality's specifications for this section of road construction. This work will be done at no cost to Imperial Oil. An agreement regarding the design of the security measures will be reached prior to transfer of ownership and staff will recommend these commitments be included in the secondary planning strategy proposed for this area.

3. Flows to and from Morris Lake:

The interests of your company and the Municipality were generally discussed, as well as the potential to work cooperatively to further our objectives. It was agreed that Paul Morgan will set up a meeting between your company, the Municipality and Water Commission to review studies and information gathered to date. You might note that municipal policy already directs the Municipality to work cooperatively with your company and the N.S. Department of Environment and Labour in preparing a hydrological study of Morris Lake.

4. Potable Water Supply in Relation to the Imperial Oil Property:

The alignment of existing water mains in relation to your property was reviewed as well as a proposed realignment under discussion between Clayton Developments Ltd. and the Water Commission. It was agreed that your company and Clayton Developments would arrange a meeting with the Water Commission to confirm the location of existing mains and discuss the proposed realignment.

5. Separation Distances between Residential Development and the Imperial Oil Operations

In our discussions, you outlined your concerns regarding the location of new residential development in proximity to the two bulk fuel tanks. You did clarify that these were not at risk of exploding if there was a fire however, there would be substantial smoke. As a result, it was agreed that new residential development would not be permitted on the closest parcel of land designated commercial/high density residential. This parcel will now be designated exclusively for commercial development. Amendments to the proposed secondary planning strategy will be recommended by staff to reflect this commitment. As a result new residential development will be further away from the two bulk fuel tanks than existing homes in the area.

I would appreciate your confirmation that I have accurately summarized the understandings and commitments made at these meetings.

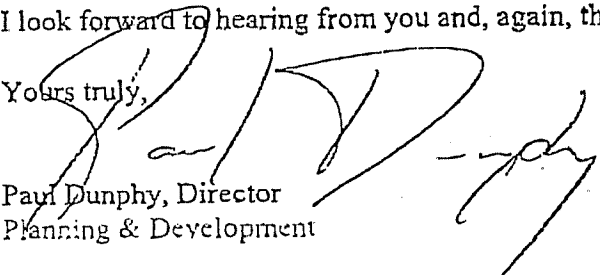
Brian Fairley
Imperial Oil Ltd.
January 17, 2005
Page 3

I also remind you of the following upcoming meetings. The Imperial Oil operations in relation to the Morris-Russell Lake master plan will be discussed at these meetings. It would be appreciated if you or a member of your staff is able to attend.

- The Morris-Russell Lake Public Participation Committee meeting is this Tuesday, January 18th commencing at 6:30 p.m. in the Westphal Room of Cole Harbour Place.
- The Harbour East Community Council meeting is Thursday, February 3rd, commencing at 7 p.m. in the old Dartmouth Council Chambers in the Regional School Board Building on Alderney Drive (beside Alderney Gate).

I look forward to hearing from you and, again, thank you for all your efforts.

Yours truly,


Paul Dunphy, Director
Planning & Development

- c: Dan English, Deputy Chief Administrative Officer
Ken Reashor, Acting Manager, Traffic & Transportation Services
Austin French, Manager of Settlement Patterns, Regional Planning
Paul Morgan, Planner, Regional Planning



Imperial Oil

Imperial Oil
Products and Chemicals Division
P. O. Box 1001
Dartmouth, Nova Scotia
Canada B2Y 3Z7

Brian M. Fairley
Refinery Manager

Tel. (902) 420 7200
Fax. (902) 420 7298

Attachment II

January 18, 2005

RECEIVED

JAN 18 2005

Mr. P. Dunphy, Director, Planning and Development
Planning and Development Services
Halifax Regional Municipality
PO Box 1749
Halifax, Nova Scotia
B3J 3A5

Off. of the Director
Planning & Development Services
Halifax Regional Municipality

Subject: Response to January 17, 2005 Memo - Morris/Russell Lake
Master Development Plan

Dear Paul:

We have reviewed the memo faxed to us concerning the outcomes of our Jan. 11th and Jan. 13th meetings. We believe you have summarized the points discussed in our meeting accurately, with the following clarifications:

under item 4 - Potable water supply

The discussions to be held concerning the proposed re-alignment would include the possible use of this main to provide additional flow capacity to Imperial Oil.

under item 5 - Separation Distances

Our recommendation was for HRM to conduct a risk assessment and for resulting new land use designations to conform to the outcome of that assessment. The designation of the parcel closest to our tankage as exclusively commercial, appears directionally correct and in line with what we would expect from a risk assessment.

Yours truly,

B.M. Fairley / B

Brian M. Fairley
Refinery Manager

cc W. D. Golevan, IOL Environmental Health & Safety Coordinator



CANADA LANDS COMPANY
SOCIÉTÉ IMMOBILIÈRE DU CANADA

COPY

dated to 424-2004
e original mailed Jan 14/04
RF.

January 14, 2004

Mr. Paul Owens, CA
ACOA Account Manager
1801 Hollis Street, Suite 600, PO Box 2284
Halifax, NS B3J 3C8

Dear Mr. Owens:

RE: HIGHWAY 111 INTERCHANGE AND THE SHEARWATER CONNECTOR

Innovation
Value

Further to our meeting on December 19, 2003 regarding the alignment and timing of the Shearwater connector road, Canada Lands Company CLC Limited (CLC) wishes to confirm its support for the Highway 111 Interchange and the Shearwater Connector.

Legacy

Innovation
Valeur

As was discussed at our meeting, CLC is currently awaiting DND's completion of a reassessment of its land holdings at Shearwater in light of its operational requirements. DND may be seeking some realignment of its land holdings through a land swap with Canada Lands following this reassessment. It is anticipated, but not yet confirmed, that the new property boundary will not impede the future linkage of the Shearwater Connector from Highway 111 to Caldwell Road.

Heritage

Furthermore, as was discussed at our meeting there are a number of alignment scenarios, for the portion of the Shearwater Connector that crosses CLC land, taking into consideration factors including the ultimate use of Runway 16/34, proximity to Morris Lake, etc.. On a preliminary basis, these various alignment scenarios appear to satisfy the Province of Nova Scotia and HRM's infrastructure needs for this area.

www.clc.ca

Once our land arrangements have been finalized with DND, CLC will undertake a comprehensive planning process in consultation with HRM and all other concerned stakeholders to determine the future development of the property. During this planning process the routing of the Connector over CLC property will be determined. In the interim, CLC supports the advancement of the Highway 111 Interchange and first portion of the Shearwater Connector.

If ACOA requires any additional information pertaining to this project, please contact me directly at 426-5045.

Sincerely,

CANADA LANDS COMPANY CLC LIMITED

Ron Pachtal
General Manager, Real Estate, Atlantic

E: RPachtal@Shearwater\ACOA - Mr. Owens - 111 & Connector - January 14, 2004

1605 Barrington Street Suite 1205 Halifax Nova Scotia B3J 3K5 Tel. 902 426 5057 Fax 902 426 5217 www.clc.ca
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**Terms of Reference
for Public Participation Committee
Morris and Russell Lake Master Plan
December 4, 2003**

Membership

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

Appointment

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

Responsibilities

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

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

Meetings


1. The Committee shall meet at least once every three weeks; additional meetings may be held as required or called by the Chair.
2. Meetings shall be held on a regular basis to be determined.
3. The quorum for regular meetings shall be seven members.
4. Members shall advise Planning staff by 12 noon on the day of a regular meeting if they are unable to attend the meeting. (Gail Harnish at 490-4937)
5. Any member of the committee who fails to attend three (3) consecutive meetings, without good reason accepted by the Chair, may be dismissed by Community Council.



PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Harbour East Community Council
February 3, 2005

TO: Harbour East Community Council

SUBMITTED BY: 

Phil Elliott, Chair, Morris - Russell Lake Public Participation Committee

DATE: January 24, 2005

SUBJECT: Morris-Russell Lake Master Plan

SUPPLEMENTARY REPORT

ORIGIN

At a meeting held on January 18, 2005, the committee reviewed a staff report with seven recommended amendments to the Morris-Russell Lake Secondary Planning Strategy that was recommended for approval to the Community Council in a report dated December 22, 2004. Correspondence received by the Municipality since the December 9, 2004 public information meeting were also received and reviewed.

RECOMMENDATION

The Committee recommends that the Community Council recommend to Regional Council approval of the Morris-Russell Lake Secondary Planning Strategy, as originally recommended by the Committee with the amendments recommended in the discussion section of this report.

BACKGROUND

At a meeting held on January 18th of this year, the Morris-Russell Lake Public Participation Committee reviewed in significant detail the staff report (Attachment A). After hearing representation from staff, the committee deliberated on each of the recommendations. After extensive discussion the committee then made revisions to a number of the staff recommendations; revisions that in the opinion of the committee reflects the intent, discussions, and issues of the committee over the nearly 5 years of work of this committee.

DISCUSSION

Committee Recommendation 1: Replace policies ML-12 and ML-14 with the following:

- ML-12 The Municipality shall prepare and implement a wastewater management plan for the sewersheds that contain Morris and Russell Lakes. The plan shall:
- (a) improve wastewater system operation and management including safety, regulatory compliance, system capacity both existing and future, physical condition, system reliability and optimization;
 - (b) address specific issues of wastewater treatment plant capacity both existing and future, wet weather overflows, odour control, inflow/infiltration remediation, back up power systems, optimizing system performance and making maximum use of available capacity;
 - (c) include a prioritized list of actions for implementation, having particular regard for health and safety concerns;
 - (d) establish a means to notify the public in the event that the Municipality has become aware of sewage overflow from the collection system into the surrounding watershed area;
 - (e) consider the above recommendations within the context of existing standards, procedures, regulations and compliance requirements, projects, initiatives and priorities, including the regional plan.

Recommendation 2: Amend policy ML-29 as follows:

ML-29 Where deemed appropriate, the Municipality shall undertake stormwater wetland projects in the waters of Ellenvale Run and at appropriate locations throughout the watershed area. Also, Council shall, through the CDD approval process, negotiate with applicable land owners to establish similar wetland projects at appropriate locations within the watershed.

Recommendation 3: Maintain policy ML-33 and replace policies ML-30 and ML-31 with the following:

ML-30 A water quality monitoring program shall be undertaken for Morris and Russell Lakes to track the eutrophication process. The program is to be designed and undertaken by qualified persons financed in whole or in part by developers within the secondary plan area. Specifics of the program are to be negotiated under the terms of a development agreement in consultation with the Dartmouth Lakes Advisory Board. The monitoring program shall:

- (a) specify the duration of monitoring for the pre-construction, construction and post-construction phases of development;
- (b) specify the physical and chemical water quality indicators to be measured, the location and frequency of testing and the format of submissions to the Municipality in each phase referenced under clause (a);
- (c) establish eutrophication threshold levels for the lakes which would be used as a basis for reevaluating watershed management controls and future development potential within the area;
- (d) conform with all water quality policies, specifications, protocols and review and approval procedures approved by Regional Council.

ML-31 Pursuant to policy ML-30, in the event the critical water quality threshold levels for Morris or Russell Lakes are reached, it shall be the intention of Council to immediately undertake a review of existing plan policies contained herein and determine an appropriate course of action respecting watershed management and future land use development in the area. Critical water quality thresholds shall be made available to the public.

Recommendation 4: That the road classification of Caldwell Road previously recommended by the committee be maintained (ie. minor collector from Portland Street to Atholea Drive and major collector from Atholea Drive to the Caldwell Road connector).

Imperial Oil Lands

That amendments recommended by staff as follows be adopted:

Recommendation 5: Include specific provisions under the CDD and H zones to permit all equipment, structures and buildings associated with extracting water from Morris Lake in association with the refinery operations of Imperial Oil.

Recommendation 6: Inserting the following at the end of the transportation sub-section.

The Caldwell Road connector will traverse lands owned by Imperial Oil Limited where various activities associated with the company's refinery operations have taken place over the years and continue at the time of adoptions of this secondary planning strategy. The Municipality acknowledges responsibility for ensuring that the road alignment and design does not adversely affect the operations of Imperial Oil.

ML-10 The Municipality shall prepare an alignment and design of the Caldwell Road connector in consultation with Imperial Oil Limited. Specific consideration shall be given to:

- (a) measures needed to prevent unauthorized access to the property from the roadway or adjacent lands while allowing the company access to the water main and pumping station which provide water supply from Morris Lake; and
- (b) the road alignment in relation to industrial fill and disposal areas on the property.

Recommendation 7: Replacing the Future Land Use and Transportation Map with the revised map shown on attachment II and adding the following clause to policy ML-18:

- (h) Parcel 6A: Major commercial developments shall be supported over these lands but not residential developments. Consideration shall be given to the same matters identified for commercial developments under clause (g).

ATTACHMENTS

- A Report from Paul Dunphy, Director of Planning & Development Services to Morris-Russell Lake Public Participation Committee, dated January 18, 2005 with attachments:
- (I) correspondence from Paul Dunphy, Director of Planning & Development Services to Brian Fairley, Regional Manager, Imperial Oil Ltd., dated January 17, 2005; and
 - (II) Revised Future Land Use and Transportation Map

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

Report Prepared by:

Phil Elliott, Chair of the Morris Russell Lake Public Participation Committee and Paul Morgan,
Planner, Regional Planning



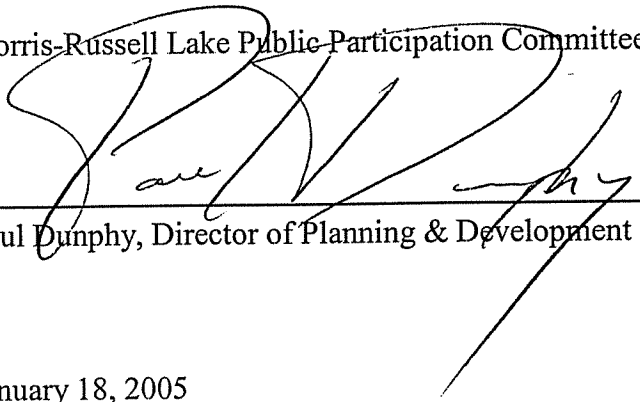
PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

**Morris-Russell Lake P.P.C.
January 18, 2005**

TO:

Morris-Russell Lake Public Participation Committee

SUBMITTED BY:


Paul Dunphy, Director of Planning & Development Services

DATE:

January 18, 2005

SUBJECT:

Morris-Russell Lake Master Plan

ORIGIN

In a report to Harbour East Community Council, dated December 21, 2004, Planning & Development Services recommended that the public participation committee report be referred to staff for a report at the next meeting of the Community Council on February 3, 2005. The Community Council approved this recommendation at its January 6, 2005 meeting.

RECOMMENDATION

It is recommended that the amendments to the Morris-Russell Lake Secondary Planning Strategy, as outlined in the discussion section of this report, be recommended for approval to Harbour East Community Council.

BACKGROUND

The following justification for-referral to staff was presented in the report to the Community Council:

Many of the committee recommendations will have bearing on priorities and operations of a number of municipal departments and, as acknowledged by the committee, will require expenditures by the Municipality to implement recommended policy initiatives.

Due to the short time frame that has elapsed since the committee recommendations were finalized, staff has not had sufficient opportunity for evaluation and comment. As the Community Council should have the benefit of staff input prior to making its own recommendations to Regional Council, it is recommended that the Committee report be referred to staff for review and comment and that a report be presented at the next Community Council meeting on February 3rd.

The Public Participation Committee's report includes two letters from Imperial Oil in Attachment IV. Staff will review this submission with Imperial Oil and the Public Participation Committee. A response will be included in the staff report which will be submitted to the Community Council's February 3rd meeting.

DISCUSSION

Staff Review:

The following amendments are recommended to the revised secondary planning strategy prepared by the public participation committee. To allow for comparisons, the text to be deleted is presented in ~~stricken~~ text and new text presented in **bold** format. The first three recommendations are brought forward by Environmental Management Services (EMS). The intent of the of the changes is to be more comprehensive in our planning and, in the case of the third recommendation, clarify responsibilities.

EMS staff have also advised that the proposal made by the committee for public notification under policy ML-14 is inconsistent with practices and protocols which have been developed throughout other parts of the Municipality. Where spillages are detected, Provincial staff are also notified. Any changes to notification procedures should be universally applied throughout the Municipality to avoid confusing messages to residents.

A staff representative from EMS will be in attendance to provide further elaboration.

Recommendation 1: Replace policies ML-12 and ML-14 with the following:

~~ML-12 The Municipality shall implement an inflow and infiltration program for the Cole Harbour/Eastern Passage and Dartmouth sanitary sewer systems in order to reduce capacity~~

constraints within the existing system.

~~ML-14~~ The Municipality shall require that all existing and future pumping stations be equipped with stand-by generators. The Municipality shall also establish a means to notify the public in the event that it has become aware of sewage overflow from the collection system into the surrounding watershed area.

ML-12 The Municipality shall prepare a wastewater management study for the sewersheds that contain Morris and Russell Lakes. The study shall:

- (a) assess wastewater system operation and management including safety, regulatory compliance, system capacity both existing and future, physical condition, system reliability and optimization;
- (b) as part of the analysis, give consideration to the specific issues of wastewater treatment plant capacity both existing and future, wet weather overflows, odour control, inflow/infiltration remediation, back up power systems, optimizing system performance and making maximum use of available capacity;
- (c) include a prioritized list of recommendations;
- (d) consider the above recommendations within the context of existing standards, procedures, regulations and compliance requirements, projects, initiatives and priorities.

Recommendation 2: delete policy ML-29

~~ML-29~~ It shall be the intention of Council to undertake stormwater wetland projects in the waters of Ellenvale Run. Also, Council shall, through the CDD approval process, negotiate with applicable land owners to establish similar wetland projects at appropriate locations within the watershed.

Recommendation 3: replace policy ML-30 with the following:

~~ML-30~~ It shall be the intention of Council to undertake a monitoring program within Morris Lake to track the eutrophication process. The monitoring program should comprise a variety of water quality indicators, including Total Phosphorous and Dissolved Oxygen, and other chemical and aquatic flora and fauna indicators as appropriate. It shall also be the intention of Council to establish a eutrophication threshold level for the lake that would be used as a basis for reevaluating watershed management controls and future development potential within the area. The monitoring program and eutrophication threshold should be developed in consultation with the Dartmouth Lakes Advisory Board and the scientific community.

~~ML-33 It shall be the intention of Council to conduct water sampling at Birches Park during the summer months to monitor bacteria and pollutant levels within Morris Lake.~~

ML-30A water quality monitoring program shall be undertaken for Morris and Russell Lakes to track the eutrophication process. The program is to be designed and undertaken by qualified persons financed by developers within the secondary plan area. Specifics of the program are to be negotiated under the terms of a development agreement in consultation with the Dartmouth Lakes Advisory Board and the scientific community. The monitoring program shall:

- (a) **specify the duration of monitoring for the pre-construction, construction and post-construction phases of development;**
- (b) **specify the physical and chemical water quality indicators to be measured, the location and frequency of testing and the format of submissions to the Municipality in each phase referenced under clause (a);**
- (c) **establish eutrophication threshold levels for the lakes which would be used as a basis for reevaluating watershed management controls and future development potential within the area;**
- (d) **include monitoring of bacteria and pollutant levels a Birches Park.; and**
- (e) **conform with all water quality policies, specifications, protocols and review and approval procedures approved by Regional Council.**

Recommendation 4: that all of Caldwell Road be classified as a major collector road.

Traffic & Transportation Services has reiterated its previous recommendation to the committee that traffic levels on Caldwell Road warrant a major collector classification. A 24 hour two-way traffic count taken at 14 Caldwell Road on Friday, August 6, 2004 showed 19,220 vehicles. This is well over the standard for maximum traffic volume on a minor collector of 12,000 vehicles per day. In addition to the actual volumes on the road, the function of Caldwell Road in the street network warrants a major collector designation. Formal classification of Caldwell Road as a major collector would be appropriate for establishing appropriate service levels, such as priority for snowplowing, design improvements, and planning for appropriate abutting land uses.

Imperial Oil Lands

Staff has held two meetings with representatives of Imperial Oil Limited. The concerns raised by Imperial Oil to the proposed development and the actions to be taken to resolve these concerns are

summarized in the attached correspondence from Paul Dunphy, Director of Planning & Development Services to Brian Fairley, Regional Manager, Imperial Oil Ltd., dated January 17, 2005.

The fifth recommendation is needed because the effect of applying the CDD and holding zones to the Imperial Oil property was to render the pumping station and associated water transmission facilities as non-conforming uses in accordance with provincial planning legislation. As non-conforming uses, these facilities could not be expanded or replaced in the event they were destroyed. The amendment is intended to rectify this situation.

Amendments recommended by staff are summarized as follows:

Recommendation 5: Include specific provisions under the CDD and H zones to permit all equipment, structures and buildings associated with extracting water from Morris Lake in association with the refinery operations of Imperial Oil.

Recommendation 6: Inserting the following at the end of the transportation sub-section.

The Caldwell Road connector will traverse lands owned by Imperial Oil Limited where various activities associated with the company's refinery operations have taken place over the years and continue at the time of adoptions of this secondary planning strategy. The Municipality acknowledges responsibility for ensuring that the road alignment and design does not adversely affect the operations of Imperial Oil.

ML-10 The Municipality shall prepare an alignment and design of the Caldwell Road connector in consultation with Imperial Oil Limited. Specific consideration shall be given to:

- (a) **measures needed to prevent unauthorized access to the property from the roadway or adjacent lands while allowing the company access to the water main and pumping station which provide water supply from Morris Lake; and**
- (b) **the road alignment in relation to industrial fill and disposal areas on the property.**

Recommendation 7: replacing the Future Land Use and Transportation Map with the revised map shown on attachment II and adding the following clause to policy ML-18:

- (h) **Parcel 6A: Major commercial developments shall be supported over these lands but not residential developments. Consideration shall be given to the same matters identified for commercial developments under clause (g).**

ALTERNATIVES

The public participation committee can accept the recommendations of staff or make alternative recommendations to the Community Council. Where the committee does not concur with staff recommendations, the reasons should be specified for the benefit of the Community Council.

ATTACHMENTS

- I Correspondence from Paul Dunphy, Director of Planning & Development Services to Brian Fairley, Regional Manager, Imperial Oil Ltd., dated January 17, 2005.

- II Revised Future Land Use and Transportation Map

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

Report Prepared by: Paul Morgan, Planner, Regional Planning

By fax: 420-7296

January 17, 2005

Mr. Brian Fairley, Regional Manager
Imperial Oil Ltd.
600 Pleasant Street, P.O. Box 1001
Dartmouth, NS B2Y 3Z7

Dear Mr. Fairley:

**Re: Imperial Oil Ltd. Refinery Operations on Pleasant Street in Dartmouth and the
Morris/Russell Lake Master Development Plan**

Thank you for meeting with our staff last Tuesday, January 11th and again on Thursday, January 13th. Your willingness to meet on short notice is sincerely appreciated in light of the importance of this planning project to our Municipality. As was agreed upon at our last meeting, the following points summarize the issues raised and the actions to be taken in response. These are provided as follows:

1. *Municipal Zoning:*

You expressed concern towards the comprehensive development district (CDD) and holding (H) zones which were applied to the rear portions of your property in the vicinity of Morris Lake when the package of amendments for the Morris/Russell Lake Master Development Plan Area were adopted by the Municipality in 1999. The effect has been to make your activities, pipes and pump house in this area nonconforming under provincial planning legislation.

It was agreed that HRM will prepare amendments to the CDD and H zone which would permit all equipment, structures and buildings associated with extracting water from Morris Lake to your refinery operations. The proposed amendment will remove the nonconforming designation from your existing activities, pipes and pump house. The amendment will also allow new construction of pipes and buildings which may be required in the future. The proposed amendments will be forwarded to you for review and, assuming agreement can be reached, our staff will recommend approval to our council.

2. *Potable Water Supply in Relation to the Imperial Oil Property:*

You advised that you did not necessarily object to the location and alignment of this road over the Imperial Oil Property provided certain conditions can be satisfied. Firstly, an agreement must be reached regarding the measures needed to prevent unauthorized access to your property from the new roadway or adjacent lands while allowing your company access to the water main and pumping station

Brian Fairley
Imperial Oil Ltd
January 17, 2005
Page 2

which provide water supply from Morris lake. Secondly, soil testing must be undertaken to ensure that the roadway alignment and design does not disturb old fill or disposal sites.

It was agreed that construction of security measures and soil testing will be incorporated into the Municipality's specifications for this section of road construction. This work will be done at no cost to Imperial Oil. An agreement regarding the design of the security measures will be reached prior to transfer of ownership and staff will recommend these commitments be included in the secondary planning strategy proposed for this area.

3. Flows to and from Morris Lake:

The interests of your company and the Municipality were generally discussed, as well as the potential to work cooperatively to further our objectives. It was agreed that Paul Morgan will set up a meeting between your company, the Municipality and Water Commission to review studies and information gathered to date. You might note that municipal policy already directs the Municipality to work cooperatively with your company and the N.S. Department of Environment and Labour in preparing a hydrological study of Morris Lake.

4. Potable Water Supply in Relation to the Imperial Oil Property:

The alignment of existing water mains in relation to your property was reviewed as well as a proposed realignment under discussion between Clayton Developments Ltd. and the Water Commission. It was agreed that your company and Clayton Developments would arrange a meeting with the Water Commission to confirm the location of existing mains and discuss the proposed realignment.

5. Separation Distances between Residential Development and the Imperial Oil Operations

In our discussions, you outlined your concerns regarding the location of new residential development in proximity to the two bulk fuel tanks. You did clarify that these were not at risk of exploding if there was a fire however, there would be substantial smoke. As a result, it was agreed that new residential development would not be permitted on the closest parcel of land designated commercial/high density residential. This parcel will now be designated exclusively for commercial development. Amendments to the proposed secondary planning strategy will be recommended by staff to reflect this commitment. As a result new residential development will be further away from the two bulk fuel tanks than existing homes in the area.

I would appreciate your confirmation that I have accurately summarized the understandings and commitments made at these meetings.

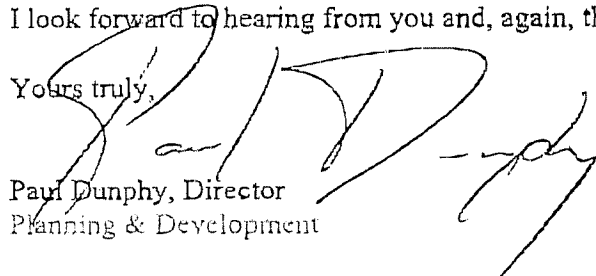
Brian Fairley
Imperial Oil Ltd.
January 17, 2005
Page 3

I also remind you of the following upcoming meetings. The Imperial Oil operations in relation to the Morris-Russell Lake master plan will be discussed at these meetings. It would be appreciated if you or a member of your staff is able to attend.

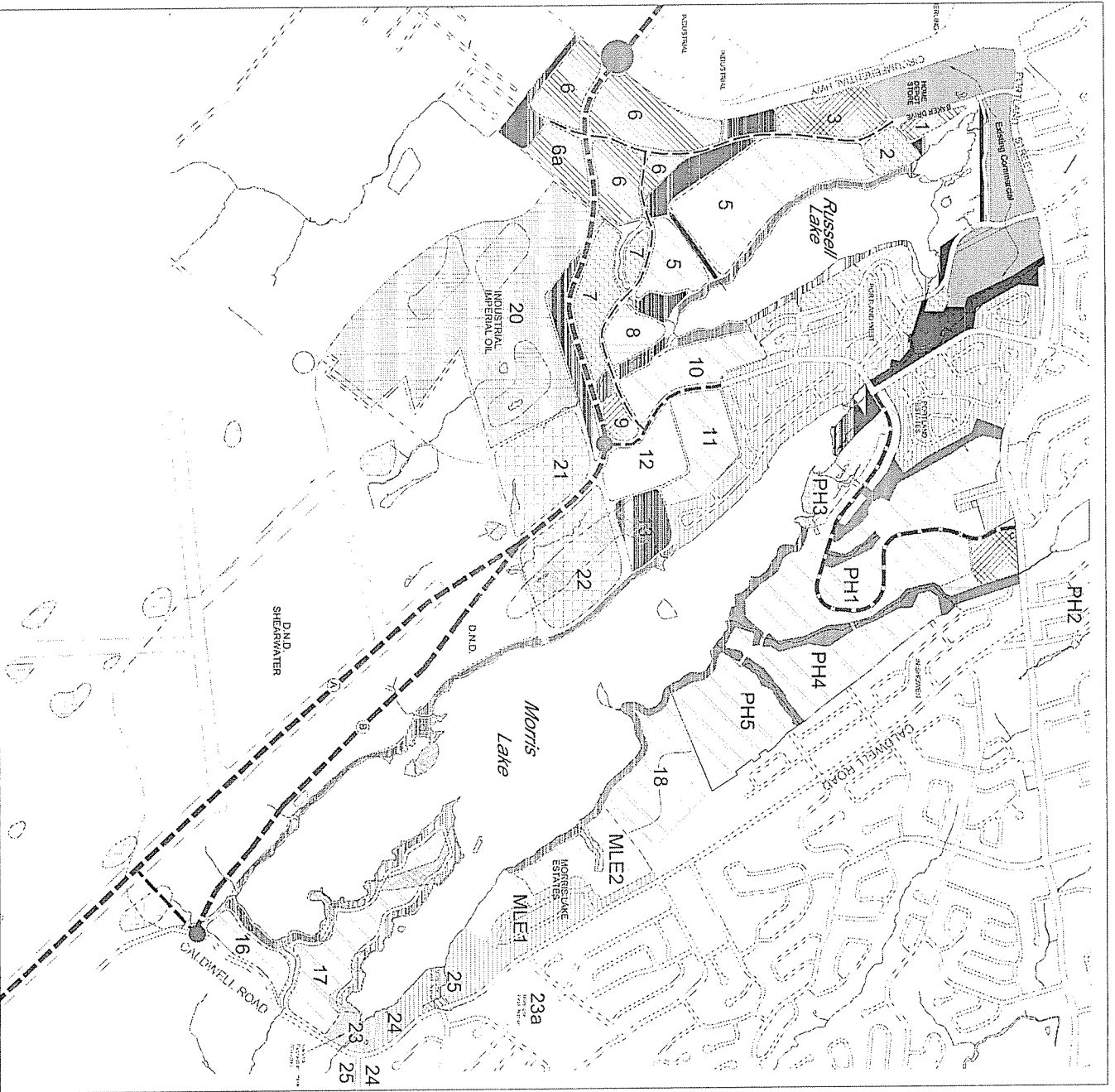
- The Morris-Russell Lake Public Participation Committee meeting is this Tuesday, January 18th commencing at 6:30 p.m. in the Westphal Room of Cole Harbour Place.
- The Harbour East Community Council meeting is Thursday, February 3rd, commencing at 7 p.m. in the old Dartmouth Council Chambers in the Regional School Board Building on Alderney Drive (beside Alderney Gate).

I look forward to hearing from you and, again, thank you for all your efforts.

Yours truly,


Paul Dunphy, Director
Planning & Development

- c: Dan English, Deputy Chief Administrative Officer
Ken Reashor, Acting Manager, Traffic & Transportation Services
Austin French, Manager of Settlement Patterns, Regional Planning
Paul Morgan, Planner, Regional Planning



**RUSSELL LAKE /
MORRIS LAKE
GENERALIZED FUTURE
LAND USE MAP
(RUSSELL LAKE WEST)**

AREA 4

SCALE: NTS

January, 2005

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

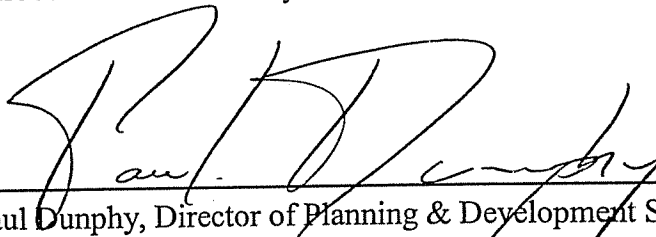


PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Harbour East Community Council
January 6, 2005

TO: Harbour East Community Council

SUBMITTED BY:



Paul Dunphy, Director of Planning & Development Services

DATE: December 21, 2004

SUBJECT: Morris-Russell Lake Master Plan

ORIGIN

Prepared by staff in response to the report of the Morris-Russell Lake Public Participation Committee.

RECOMMENDATION

It is recommended that the public participation committee report be referred to staff for a report at the next meeting of the Community Council on February 3, 2005.

BACKGROUND

After hearing from the public at a meeting on December 8th of this year, the Morris-Russell Lake Public Participation Committee finalized its recommendations at a meeting held on December 14th. Staff then proceeded to assist in preparing the committee report to the Community Council.

DISCUSSION

Many of the committee recommendations will have bearing on priorities and operations of a number of municipal departments and, as acknowledged by the committee, will require expenditures by the Municipality to implement recommended policy initiatives.

Due to the short time frame that has elapsed since the committee recommendations were finalized, staff has not had sufficient opportunity for evaluation and comment. As the Community Council should have the benefit of staff input prior to making its own recommendations to Regional Council, it is recommended that the Committee report be referred to staff for review and comment and that a report be presented at the next Community Council meeting on February 3rd.

The Public Participation Committee's report includes two letters from Imperial Oil in Attachment IV. Staff will review this submission with Imperial Oil and the Public Participation Committee. A response will be included in the staff report which will be submitted to the Community Council's February 3rd meeting.

BUDGET IMPLICATIONS

Not applicable.

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. Refer the matter to staff for a report at the next meeting of Community Council for the reasons cited above. This is the staff recommendation.
2. Community Council could forward this to Regional Council and have staff respond to the issues raised in the report directly to Regional Council. This alternative is not recommended as it is felt that Community Council should have the full benefit of examining these issues before making a recommendation to Regional Council.

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

Report Prepared by: Paul Morgan, Planner, Regional Planning



PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Harbour East Community Council
January 6, 2005

TO: Harbour East Community Council

SUBMITTED BY:

A handwritten signature in black ink, appearing to read "Phil Elliott".

Phil Elliott, Chair
Morris-Russell Lake Public Participation Committee

DATE: December 22, 2004

SUBJECT: Morris-Russell Lake Master Development Plan and Secondary Planning Strategy

ORIGIN

The Morris-Russell Lake Public Participation Committee was established by the Harbour East Community Council in 1999 to prepare comprehensive recommendations regarding development of lands around Morris and Russell Lakes.

RECOMMENDATION

It is recommended that Harbour East Community Council recommend to Regional Council that:

- the revised master development plan report, presented as Attachment I, and the revised policies for the Morris-Russell Lake Secondary Plan Area, presented as Attachment II, be approved;
- where required to implement policy directives, budgetary resources be established.

BACKGROUND

A chronology of activities pertaining to this planning project are summarized as follows:

The Master Planning Initiative:

- July 15, 1997: Regional Council approved a staff recommendation to initiate a plan amendment process which would designate 270 acres of land owned by Clayton Developments as a comprehensive development district. The lands were located between Portland Street and Morris Lake (now under development as Portland Hills).
- May 1998: The Morris Lake Watershed Management Plan Report was completed for the Municipality by Griffiths Muecke.
- December 1, 1998: Regional Council adopted a staff recommendation that master planning studies be initiated in four areas of the Municipality. Morris-Russell Lake was one of the study areas. The purpose of the studies was to determine the feasibility of servicing each area and, if so, to provide policy guidance for future development.
- Staff held public meetings and prepared amendments to three municipal planning strategies that cover the Morris-Russell Lake study area (Dartmouth, Cole Harbour/Westphal and Eastern Passage/Cow Bay).
- January 29, 2002: The amendments were approved by Regional Council. The amendments, however, did not allow development to proceed as a number of initiative still had to be completed including preparation of a concept plan in consultation with all interested parties, as well as preparation of a stormwater management plan.

The Morris-Russell Lake Public Participation Committee:

- The policies included a directive to prepare a master development plan to ensure that development occurred in an environmentally sensitive and comprehensive manner. The plan was to be developed in consultation with property owners, area residents, the Dartmouth Lakes Advisory Board and members of the public. A public participation committee was to be established which would identify issues and constraints to development, determine alternatives and solutions, and collaborate to produce a concept plan.
- March 29, 1999: The committee held its first meeting. Twelve representatives had been appointed by the Harbour East Community Council (two from Portland Estates, two from Innishowen Subdivision, two from adjacent residential areas, one from the Dartmouth Lakes Advisory Board and five property owners).

- May 25, 2000: The Community Council approved in principle the recommendations made by the committee in a report to the Community Council, dated May 19, 2000. The report contained 36 comprehensive recommendations regarding environmental protection, central sewer and water services, transportation, land use and financing (infrastructure charges).
- In accordance with the committee recommendations, the Municipality retained consultants to design and cost the interchange and to prepare a stormwater management plan.
- November 28, 2002: Clayton Developments Limited made a presentation to the Harbour East Community Council in support of its request to allow for further phasing of Portland Hills Subdivision (located within the study area) and to allow for new development between Russell Lake and the Circumferential Highway based on an at grade right-out access to the Circumferential Highway from Baker Drive. The matter was referred to staff for recommendation.
- February 18, 2003: Regional Council adopted a staff recommendation to initiate a plan amendment process and refer the matters to the public participation committee for recommendation.
- April 3, 2003: Harbour East Community Council appointed several new members to the public participation committee to replace vacancies. A representative of Canada Land Company was also added to the committee.

Regional Planning

- July, 2004: *The Greenfield Areas Servicing Analysis: Final Report* (CBCL Limited and Associates) was received by the Municipality. The report examined the opportunities and constraints and the feasibility of developing ten greenfield sites around the metropolitan area with central water and sewer services. The Morris-Russell Lake master plan area was included within a larger Eastern Passage/Shearwater study area. The Eastern Passage/Shearwater greenfield area was ranked second lowest in cost to development among the ten candidate sites.
- October 26, 2004: Regional Council adopted a staff recommendation to continue negotiations on the Morris-Russell Lake master plan study area.

DISCUSSION

Since reconvening in 2003, two additional studies have been completed: The *Morris Lake Stormwater Management Plan* (Jacques Whitford, March 2004) and the *Highway 111 - Cole Harbour Arterial Access Options Study* (Atlantic Road & Traffic Management, July 2004). These studies were presented to the committee and considered in preparing recommendations. In addition, Clayton Developments Limited acquired approximately 50 acres of land from Irving Oil (the lands abut Highway 111 across from the Woodside Industrial Park) which were included in the study area.

In 2004, the Funding for the Highway 111 interchange was approved under the Canada-Nova Scotia Infrastructure Program with the stipulation that the interchange including the completion of Baker Drive from the Home Depot property to the interchange be commenced in 2005 and completed as soon as possible. For this to occur:

- a The revised master development plan report, and the revised policies for the Morris-Russell Lake Secondary Plan Area needs, to be approved so that the CDD for Russell Lake West can go forward for approval.
- b The CDD for Russell Lake West needs to be approved by the Spring of 2005 so that the developer can begin construction of Baker Drive as the first part of the development.
- c Both the Interchange and Baker Drive require two construction seasons (2005 and 2006) to allow for completion of these roadways by the end of 2006.

In light of this information, draft revisions to the May 19, 2000 committee report and amendments to the municipal planning strategies were prepared. A public information was then held on December 9th of this year and the documents finalized.

The revised committee report and amended municipal planning strategy are presented as Attachments I and II respectively¹. To allow for comparison to the previous recommendations, black line versions of the original documents are presented with text to be deleted shown ~~stricken~~, new text shown in **bold text** and committee comments shown in *italic*.

The minutes of the public meeting are presented as Attachment III and a submission received is presented as Attachment IV.

The committee acknowledges that financial resources will be needed to implement a number of initiatives recommended and has therefore recommended that the required resources be made available through the budgetary process.

ALTERNATIVES

1. The Community Council could forward the committee recommendations to Regional Council for approval. This is the committee recommendation.
2. The Community Council could forward the committee recommendations to Regional Council with amendments. If this option was chosen, the specifics of the amendments sought should be articulated.

¹ The Dartmouth Municipal Planning Strategy was used as a template. If the recommendations are accepted, planning staff will prepare amendments to all three planning strategies in proper legal format for approval by Regional Council.

3. The matter could be referred back to the committee for further consideration. If this option is chosen, the specifics of the matters for consideration should be articulated.
4. The Community Council could recommend to Regional Council that the amendments recommended by the committee not be approved. If this option is chosen, the reasons should be stated.

ATTACHMENTS

- I Master Development Plan Report from Phil Elliott, Chair of the Morris-Russell Lake Public Participation Committee to Harbour East Community Council, dated May 17, 2000 and revised December 21, 2004 (blackline version).
- II Morris-Russell Lake Secondary Planning Strategy as approved by Halifax Regional Council on January 29, 2002 with amendments recommended by the Morris-Russell Lake Public Participation Committee on December 14, 2004 (blackline version).
- III Minutes of the December 9, 2004 Public Information Meeting.
- IV Written Submissions Received.

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

Report Prepared by:


Paul Morgan, Planner, Regional Planning and Phil Elliott, Chair of the Morris-Russell Lake Public Participation Committee



PO Box 1749
Halifax, Nova Scotia
B3J 3A5 Canada

Attachment I
Harbour East Community Council
May 25, 2000 January 6, 2005

TO: Harbour East Community Council

SUBMITTED BY: 

Phil Elliott, Chair
Morris-Russell Lake Public Participation Committee

DATE: May 17, 2000 December 21, 2004

SUBJECT: Master Development Plan - Morris-Russell Lake Area

**MORRIS-RUSSELL LAKE MASTER DEVELOPMENT PLAN SECONDARY
PLANNING STRATEGY**

EXECUTIVE SUMMARY

On January 12, 1999, Halifax Regional Council adopted a resolution that approved the amendments to the Municipal Planning Strategies for Dartmouth, Cole Harbour/Westphal, and Eastern Passage/Cow Bay in order to establish a policy framework by which to guide future development within the Morris-Russell Lake area. Within the amended MPS's, ML-1 states, in part, that it is the intention of Council "...to establish a public participation committee which will (a) identify the issues and constraints to future development in the area; (b) determine alternatives and solutions to address issues and concerns identified; and (c) collaborate to produce a conceptual plan for the entire Morris-Russell Lake area.". The Harbour East Community Council on March 4, 1999 ratified the Committee Members (see Appendix A).

~~The Committee has now completed the Master Plan for the Morris/Russell Lake Area.~~ **The Committee originally submitted a master plan report to the Harbour East Community Council in May, 2000.** The preparation of this Master Plan, which ensures that development occurs in an environmentally sensitive and comprehensive manner, was complex and time consuming, due to the complexities of bringing into development an area of approximately 1050 1100 acres that is surrounded by a fully developed community of the Halifax Regional Municipality.

This report, which is a revised version to the previously submitted Master Plan, details the work of the Committee over the last three months. It has accomplished the following:

- (a) The transportation plan has been updated to reflect the impact of the construction of the new Caldwell Road Connector and the Baker Drive Extension.
- (b) The Environmental Protection Plan has been updated to incorporate the recommendations of the Stormwater Management Plan. This has led to the addition and/or refinement to several of the existing stormwater management ML policies.
- (c) Several ML policies have been revised and/or amended to reflect the current situation.
- (d) New ML's have been added to incorporate several of the recommendations into policy.

Your committee:

- comprised of:
 - ▶ volunteers from the area surrounding the development
 - ▶ the Lakes Advisory Board
 - ▶ property owners who wish to bring these vacant lands into development
 - ▶ staff who provided guidance and support for the committee in its deliberations.
- has prepared this comprehensive development master plan with 35 39 recommendations that impact all aspects of development including environmental protection, central services, land use, and transportation.
- is listed in Appendix A.

The key issues that are embodied in the recommendations of this Master Development Plan, and as illustrated on the Concept Plan Map (attached at the conclusion of this executive Summary) include:

- **Environmental Protection**
 - ▶ To ensure that environmental protection of the Morris-Russell Lake area is successful the committee considers that the Environmental Protection recommendations must apply to the entire Morris Lake watershed.
 - ▶ These recommendations must apply to all applications for development and/or redevelopment regardless of the size of the development.
 - ▶ Implementation of environmental protection practices require ongoing monitoring and public education. Therefore the committee recommends that adequate funding be established to ensure that this task can be carried out effectively.

- **Central Services**

The central services required to service this area comprise two(2) separate systems, the Dartmouth system and the Cole Harbour/Eastern Passage system.

- ▶ The Portland Estates area (Dartmouth system) has adequate water and sanitary sewers infrastructure to allow development to proceed in an orderly manner.
- ▶ Development to be serviced from Caldwell Road (Cole Harbour/Eastern Passage system) requires improvements/upgrades to infrastructure systems.

- **Water**

The severe water pressure problem that currently exists within the Innishowen Subdivision has placed a cap on additional lot construction in areas served from the Caldwell Road water line. The committee recommends, that by the end of the year 2000, the alterations required to allow the Innishowen Subdivision to be served from the Dartmouth pumped system be completed **immediately**.

Comment: The Committee notes that, despite promises by the Water Commission, no action has been taken in the four years since this recommendation was made.

- **Sanitary Sewers**

~~The sanitary sewer system along Caldwell Road is near capacity, and further development on land that would be serviced from this system will necessitate infrastructure improvements.~~ Sanitary sewage from the eastern portion of the study area is conveyed to the Eastern Passage Treatment Plant. As this plant is nearing capacity, it is recommended that no approvals be granted for developments within the master plan area which would discharge to the Eastern Passage Treatment Plant until upgrades to the plant capacity have been completed.

In the event that additional capacity from the Eastern Passage Treatment Plant and sanitary sewer system can be made available for development within the Morris-Russell Lake master plan area, it may be advantageous to direct sewage flows from certain lands on the north side of Morris Lake to this facility rather than to the Dartmouth treatment plant.

The Municipality is currently preparing a wastewater management plan for the Eastern Passage Wastewater Treatment Plant Sewershed. Upon completion of this plan and upgrades to the treatment plant, the Municipality should undertake a review of the sanitary sewer service boundary established in the vicinity of Caldwell Road.

Comment: Provisions for servicing flexibility were requested by property owners in the vicinity of Caldwell Road.

- **Transportation**

Transportation is one of the most significant barriers to the timely development of the Morris/Russell Lake area. Portland Street is at or near capacity and an alternative means of allowing access to Highway 111 (Circumferential Highway) is required immediately for both traffic relief and emergencies.

- ▶ The committee recommends that the **Shearwater Caldwell Road Connector** be constructed as the roadway to relieve congestion on Portland Street and to allow an alternative access to Highway 111 (Circumferential Highway).
- ▶ ~~Recognizing that the construction of the required interchange for the Shearwater Connector is several years away and that the construction of the Home Depot on Baker Drive will be completed this fall, the committee looked at alternatives to provide immediate relief for Portland Street. Therefor the committee recommends that as an intermediate solution a signalized at grade intersection be constructed in the year 2000 at the intersection of Highway 111 (Circumferential Highway) and Gaston Road.~~
- ▶ In addition, the many issues associated with protecting the quality of life for existing residents of both Portland Estates and the existing communities north of Portland Street have also been included in the recommendations.

Comments: Provision for an at grade intersection have been removed as the N.S. Dept. of Transportation & Public Works would not approve this option. It is also noted that the Caldwell Road Connector may officially be named Mount Hope Avenue as the road will be extended from Mount Hope Avenue in Woodside Industrial Park.

- **Land Use**

The committee has made recommendations regarding land use within the study area under the headings Residential Development, Commercial Development, Parks and Open Spaces, Institutional Development, Lands of Imperial Oil, and Lands of CFB Shearwater.

- ▶ The only land within the study area for which land use has not been defined is the land of the First Nations along Caldwell Road. The committee recommends that HRM work with the First Nations so that their proposed development can be integrated with the overall development in this area.
- ▶ The issue of Lakeshore Buffer Areas presented different positions between the residents and the developers. However, the committee was able to develop a compromise solution that recommends the establishment of 3 development principles:

- no more than 50% of the Lakeshore within each Comprehensive Development District (CDD) should be privately-owned and provided the buffer is maintained on the privately owned portion.
- stipulations are put in place in areas where the buffer is in private ownership so that the buffer continues to function as a lake protection feature.
- where private buffers exist that alternative pedestrian links are provided from the publically-owned lake front buffer through a street or walkway system and back to the lakefront.

Density and Development Mix

The Dartmouth MPS establishes a maximum of 8 dwelling units per acre as a general guideline for developments within a CDD zone (reference policy H-3B, clause (d)). As the CDD zone has been applied across a number of different properties, an understanding of how this development is to be allocated had to be reached. In addition, clause (b) of the same policy establishes 40% as the maximum proportion of apartment units normally permitted within a CDD but allows for consideration of increasing this proportion to 45% provided that there are demonstrated benefits. Clayton Developments has proposed that 48% of the housing units within its Russell Lake West development be apartments.

The committee acknowledges that there are several benefits of this proposal. Firstly, Clayton Developments has proposed to locate the apartment buildings on two collector roads traversing Russell Lake West which, from a traffic perspective, is desirable as the number of driveways is reduced. Baker Drive, a major collector road, is also expected to be a public transit route. Increasing the density of housing on public transit routes is also a good design feature. The committee therefore recommends that clause (b) of policy H-3B be amended to allow for consideration of up to 50% apartment units within a CDD application.

- **Infrastructure Charges**

The committee is concerned that the application of development charges as proposed in MPS Policy ML-5 has the potential to create a significant impediment to the orderly development of this area. The Municipality has adopted capital cost contribution policies in all local municipal planning strategies. (See the subsection on infrastructure charges under the implementation section of this municipal planning strategy). For this reason The committee, however, remains concerned that the charges could potentially impede orderly development in this area and therefore recommends that:

- ▶ only normal incremental costs associated with the development be applied.
 - ▶ upgrades, required because of previous and ongoing development outside the Morris/Russell Lake area that have used up the capacity, be absorbed by HRM or new developers outside this area.
 - ▶ development charges be applied to ALL new development, throughout HRM that impact existing infrastructure, both as of right and ~~CDD~~ **all discretionary approvals.**
- **Immediate Development Proposal**

~~A sub-committee of the Morris/Russell Lake Public Participation Committee has developed a Concept Plan for the development of "Portland Hills". This includes the 93 acres for which the developer is proceeding to have a CDD application approved.~~

Comment: The CDD application for Portland Hills has subsequently been approved.

As there is an ongoing requirement under Policy H3(AA) that a Public Participation process is required for each CDD application within the study area, the committee recommends that the existing committee form the shell of a standing Public Participation Committee for all CDD applications within the Morris/Russell Lake area. This will allow for development applications to be processed in a timely manner.

Development agreement applications have been received from two property owners to allow for development of a lot on the existing section of Baker Drive and for lands between the Circumferential Highway and Russell Lake ("Russell Lake West"). Policy H3(AA) of this municipal planning strategy requires that a public participation committee be established when an application is received to develop lands within a CDD. In accordance with this policy and to allow for a timely review process, a sub-committee of this committee was established to review the development proposal. The sub-committee will submit a report with recommendations on each of these applications under separate cover.

The recommendations of this comprehensive report provide the Halifax Regional Municipality with the opportunity to develop and protect Morris and Russell Lakes and their surrounding area, as jewels in the crown of the Dartmouth Lakes. This report, if adopted, ensures that development takes place in a timely and orderly fashion while protecting the quality of life for the surrounding communities.

RECOMMENDATIONS

The following is a summary listing of the Committee's recommendations, which are fully discussed in the body of the Master Development Plan document. These recommendations should be implemented in order to ensure the development of this area occurs in an environmentally sensitive and comprehensive manner.

1.0 GENERAL

- (1) HRM staff meet with members of the First Nations, at the earliest possible date, with respect to the development of the Native Lands on Caldwell Road, so that this development can be integrated with the development of the overall Morris-Russell Area.

2.0 ENVIRONMENTAL PROTECTION MECHANISMS

Design and Development Controls

- (1) That the objectives, standards and plans cited in Dartmouth MPS Policies ML-10, ML-11 and ML-12 be incorporated in the CDD agreements implemented in all **private sector and public sector** developments within the Morris-Russell Lake area.
- (2) That training for inspectors take place and sufficient inspection time is made available to ensure compliance.
- (3) That these requirements be applied to all new developments and redevelopment projects within the entire watershed.

Public Awareness and Education Programs

- (1) That a Public Awareness and Education Strategy be developed and funded through HRM, with the necessary funding to be allocated starting in the year 2000.
- (2) That local resident groups be encouraged to organize and implement public awareness programs. HRM should assist in these privately initiated public awareness programs by funding incidental expenses.

Comment: The committee notes that no action has been taken on a public awareness and education strategy since the recommendation was made to the Harbour East Community Council in May, 2000.

Stormwater Management

- (1) That a detailed Stormwater Management Plan, which will include the development of "Best Management Practices" (BMP's), be carried out immediately, for all lands within the entire watershed; **That private sector developers and all levels of government be required to adhere to the recommendations of the Morris Lake Stormwater Management Plan (Jacques Whitford, March 2004).**
- (2) That the BMP's **Best Management Practices** apply to all new development and re-development within the entire Morris-Russell Lake watershed, and irrespective of zoning.
- (3) ~~That until the recommendations of the Stormwater Management Plan have been implemented, all CDD applications will abide by the existing appropriate stormwater management ML policies:~~

Monitoring

- (1) That given the significance of lake monitoring results on future development potential (Dartmouth Policy ML-18), HRM must supply sufficient funding to implement at least the minimum level of monitoring for both lakes (dissolved oxygen and phosphorus). Should additional monies be made available, additional chemical testing and bio-monitoring should be undertaken. The chemical monitoring program should continue until all environmentally appropriate land parcels have been either developed or excluded from development. The monitoring program should be carried out annually, from May to October, with samples taken on a minimum monthly basis.
- (2) That HRM undertake the responsibilities for the ongoing monitoring of Morris and Russell Lakes, and that additional monitoring stations need to be established along the Ellenvale Run.
- (3) That while a habitat study of Morris and Russell Lakes may be desirable, it should be given a low priority, as there are other more important undertakings required as a result of this Master Development Plan.
- (4) That ~~no action be taken on bacterial monitoring of Birches Park Beach until such time as a formal beach is established, and that such monitoring be undertaken in accordance with official HRM recreation programming and/or the Provincial testing program.~~

Maintaining Water Levels on Morris Lake

- (1) That a Water Level Maintenance Strategy be developed, funded and implemented by HRM, in association with the Nova Scotia Environment Department and Imperial Oil, including a timetable for carrying out these joint activities.
- (2) That ~~the sub-watershed of Topsail and Lamont Lakes not be developed, except for conservation and passive recreational purposes. That no policy provisions be made to allow for rezoning from C (Conservation) Zone within the sub-watersheds for Topsail and Lamont Lakes.~~

3.0 CENTRAL SERVICES

Water Services

- (1) That the severe water pressure problem within the Innishowen Subdivision be addressed by:
 - (a) limiting development serviced by the Caldwell Road system to 200 new building lots, **commencing on May 25, 2000**, until the system upgrades to the Innishowen Subdivision have been completed.

Comment: The committee initially recommended a 200 building lot limitation in the May 17, 2000 report to the Community Council. The recommendations received approval in principle at the May 25, 2000 session of the Community Council.

- (b) **immediately** beginning construction ~~in 2000~~ on the proposed upgrades to the Caldwell Road sub-system and the tying in of the Innishowen Subdivision to the Mount Edward pumped system.

Sanitary Sewerage

- (1) That HRM continue to implement the ongoing Infiltration/Inflow (I&I) Reduction Program for the Cole Harbour/Eastern Passage sanitary sewerage system in order to alleviate the existing capacity constraints within the system.
- (2) That all pumping stations, existing and future, be equipped with stand-by generators, to ensure that during power failures the stations continue to operate. This is particularly relevant for the Morris Lake pumping station and the Russell Lake pumping station.
- (3) **that, upon completion of a wastewater management plan for the Eastern Passage Wastewater Treatment Plant Sewershed and upgrades to the treatment plant, the Municipality undertake a review of the sanitary sewer service boundary established in the vicinity of Caldwell Road.**

Comment: This provision has been introduced to allow for flexibility in the timing of development. Certain properties between Caldwell Road and Morris Lake which are currently in the Dartmouth Development Boundary could potentially be developed at an earlier date in the event that capacity was available in the Eastern Passage collection and treatment system.

4.0 TRANSPORTATION

- (1) That the construction of the new interchange and the **Shearwater Caldwell Road Connector** is the preferred transportation plan for the Morris-Russell Lake area.
- (2) That the following roadway classifications be applied:
- (a) Arterials - **Shearwater Caldwell Road Connector**
- (b) Major Collectors - Baker Drive
Eisener Boulevard
Norman Newman Drive

Comment: The committee notes that further study is needed to determine whether Norman Newman Drive can be constructed to major collector status without encroachment on the lake or abutting properties.

- (c) **Local Minor Collectors**
- Portland Estates Boulevard
Portland Estates Boulevard West

Portland Hills Drive
**Connector Road between Portland Estates West Blvd.
and Baker Dr.**

- (c) Caldwell Road - Major collector from Atholea Drive southward to the Shearwater Caldwell Road Connector
Minor collector from Atholea Drive northward to Cole Harbour Road/Portland Street
- (3) That ~~access between Alpine Drive be closed at~~ **and Portland Street be restricted to right-out only.** ~~once the connection is made from this street to Portland Hills Drive.~~
- (4) That because of the severe topographic constraints in the area of Portland Hills South and Parcel 18 and because no connection is permitted between Portland Estates and Caldwell Road, the road pattern may require special exemptions to HRM by-laws as part of the Development Agreement.
- (5) That the need for sidewalks based solely on street design, may not, in all cases, be warranted. The utilization of trails and walkway systems may provide a suitable alternative where appropriate.
- (6) ~~That an at-grade signalized intersection on Highway 111 at Gaston Road, together with the extension of Baker Drive, be constructed in the Year 2000.~~
- Comment: This recommendation is deleted because the Province would not approve an at grade intersection with Hwy. 111.*
- (7) That future studies be undertaken concerning the following:
- (a) Municipal/Provincial initiative to address transportation issues for the Harbour East area.
 - (b) To determine the extent to which shortcutting is taking place on streets north of Portland Street, and where appropriate, implement traffic calming measures to mitigate impacts within the affected neighbourhoods.
 - (c) **potential upgrades to Norman Newman Blvd. to accommodate traffic between Baker Drive and the new Hwy. 111 interchange, while keeping in mind the sensitivity of Russell Lake.**
 - (d) **extending the left hand turning lane from Portland Street onto Eisener Blvd. in order to facilitate additional traffic to Baker Drive via Norman Newman Blvd.**
 - (e) **preparation of a comprehensive transit plan that capitalizes on the new interchange and park and ride facility on Portland St. In accordance with the draft regional plan, the transit plan should consider establishing a transit**

hub in the vicinity of Baker Drive and the connector road proposed between Baker Drive and Portland Estatic Boulevard West in consultation with the property owner.

- (8) **The committee further recommends that the studies be completed well in advance of the opening of the new interchange and, where warranted, sufficient funds be allocated to allow improvements to be made in conjunction of the new interchange.**

Comment: The committee feels that, until such time as the Caldwell Road Connector is constructed, every effort is needed to reduce traffic levels on Portland Street. The additional studies recommended are intended to support this effort. Based on the comments received at the December 10th public meeting, a study should include traffic calming measures over the extension of Portland Estates Boulevard West to the Caldwell Road connector.

5.0 LAND USE

- (1) That the proposed land use within the defined study area, as is described in ~~this document~~ **the submission, as reviewed by the committee and reproduced as attachment I to this report**, be approved.
- (2) That during the detailed CDD process, the Municipality encourage developers to assist in the development of Active Recreation Parks by undertaking site preparation and installation of recreation equipment at their cost. In exchange, the amount of land dedicated may be less than what would normally be desired.
- (3) That the acquisition of land for trail development, along the lakeshore and adjacent streams, continue to be pursued as part of the detailed CDD process.
- (4) That concerning the ownership of open space and buffer areas:
- (a) stream buffer areas - HRM ownership;
 - (b) lakeshore:
 - That no more than 50% of the lakeshore within each CDD should be privately owned
 - That stipulations must be put in place to ensure that the 100' buffer area remain undisturbed to the greatest extent possible, such that it continues to function as a lake protection feature.
 - That where private lakefront development is proposed, adequate alternative pedestrian links are provided from the publically-owned lake front buffer area through a street or walkway system and back to the lakefront.
 - That the determination of private versus public lake front ownership be negotiated during the detailed CDD process, on a case-by-case basis

- (c) Stormwater Treatment sites and Facilities - HRM ownership;
 - (d) ~~areas of Severe Topographical Features—Private ownership be permitted for HRM ownership for conservation uses but not required parkland dedication;~~
- (5) That clarification, in the MPS, respecting the use and maintenance of watercourse and lakeshore buffer areas, is required: **clauses (c) and (d) of policy M L-11 be amended to the following:**
- (c) *all shorelines should be protected by a 100 foot buffer zone within which no vegetation or soil should be removed or altered except that the width of the buffer zone may be decreased to 75 feet if, through detailed study, the topography and vegetation conditions warrant the reduction. Within the buffer zone, no vegetation or soil shall be removed or altered unless approved under a management plan to provide for shoreline access paths, view corridors, habitat management, safety and welfare, restoration of vegetation or shoreline recreation where such provisions may be made without adversely affecting the primary purpose of preserving water quality in the lake. Any study or management plan submitted pursuant to this clause shall be prepared by a person qualified to make the required determinations and an approval procedure shall be established under the terms of a development agreement;*
 - (d) *all wetlands and watercourses should be protected with a buffer strip within which no vegetation or soil should be removed or altered except in accordance with the same provisions made under clause (c). For wetlands, the buffer strip should be at least 25 feet in width for wetlands less than 0.5 acres in size and 50 feet for wetlands over 0.5 acres. All streams shall have a minimum 50 foot buffer strip on each side;*
- (6) That concerning lands of Imperial Oil Limited:
- (a) That a substantial natural buffer area be maintained on both the Imperial Oil property (Parcel 22) and on the N.S. Business Development Corp. property (Parcel 19a) in recognition of the environmentally sensitive areas (wetlands) on these parcels.
 - (b) That the Shearwater Connector traverse the Imperial Oil property, as generally illustrated on the Concept Plan, ensuring that its alignment is such that environmental hazards and sensitive areas (watercourses and wetlands) are avoided.
 - (c) That a **thorough environmental suitability review of Parcels 21 and 22 be undertaken before any development is permitted on these parcels.** ~~left as natural buffer/environmental protection areas,~~ and that potential future uses of these lands be considered in the context of development decisions related to CFB Shearwater.

- (d) That Imperial Oil Ltd., in cooperation with the Department of Environment and HRM, be encouraged to ensure that all aspects of its operations are brought to current environmental standards.
 - (e) That all landfill sites and the soil farm are secure, from the perspective of human safety.
 - (f) That Imperial Oil Ltd., in cooperation with the Department of the Environment and HRM, undertake a study to determine the impacts of potential changes in the volume of water extracted from Morris Lake (increase or cessation) on lake water quantity and the impact on the hydrology of the lake and its inflow and outflow systems (MPS Policy ML-2134).
- (7) That concerning the lands of CFB Shearwater, a separate comprehensive plan be prepared, taking into account the recommendations of this report, and Eastern Passage/Cow Bay Policies ML-15, ML-16, and ML-17.
- (8) **That the limitation of 8 units per acre, as established under policy H-3B, be applied to the following aggregated parcels:**
- (1) parcels 2, 3, 4, 4a, 5, 7 and 8;
 - (2) parcels 9, 10, 11, 12 and 13;
 - (3) parcels 20, 21 and 22;
 - (4) parcels 16 and 17;
 - (5) parcel 25
 - (6) parcels MLE1, MLE2 and 18;
 - (7) parcels PH4 and PH5.

Comment: This recommendation is intended to clarify how density is to be distributed among the various property owners within the study area.

- (9) **On parcel 6, a maximum population of 4,200 persons equivalent and a maximum of 950 apartment units shall be permitted. For the purpose of determining persons equivalent, a gross density of 40 persons per acre shall be assumed for all commercial developments and 2.25 persons per apartment shall be assumed.**
- (10) **That incentives be introduced in support of affordable housing. For example, bonus densities might be considered for properties on transit routes and near employment centres provided that such incentive is voluntary and does not result in excessive concentration of housing or housing types in any area. Other program incentives should also be considered.**

Comment: This provision has been recommended by Regional Planning staff in support of an affordable housing initiative.

6.0 INFRASTRUCTURE CHARGES

- (1) That the following steps be initiated:
 - (a) HRM retain consultants to identify the cost estimates for the construction of appropriately sized infrastructure systems.
 - (b) determine an infrastructure charge, on a per acre or per lot basis, within the study area, that will help defray the total costs yet ensure that development remains viable.
 - (c) determine methods, or alternatives, by which the outstanding costs may be paid or recovered (depending on whether the private sector or HRM finances the oversized infrastructure), including:
 - the application of infrastructure charges for new development outside the study boundary, that would directly benefit, for example, from the Shearwater Connector and interchange
 - area rates
 - cost sharing from senior levels of government
 - annual capital budget allocations.
- (2) That for the purposes of infrastructure charge policy, land developers within the Morris-Russell Lake area should be responsible only for normal incremental costs related to the transportation systems, sanitary sewers, storm sewers and water supply. Upgrades to these systems that are required because of previous and on-going development outside this area that have used up the capacity of the existing infrastructure systems need to be absorbed by HRM and/or new developers that will be better served by such systems.
- (3) That in order to encourage the infilling of vacant land within the developed area of HRM, that infrastructure charges be applied to **ALL** new development, both as-of-right and ~~CDD~~; **all discretionary approvals (rezonings and development agreements)** throughout HRM, that impact such existing infrastructure systems.

7.0 IMMEDIATE DEVELOPMENT PROPOSAL

- (1) That the ~~93~~-acre CDD applications of **Joseph Diab on Baker Drive and of Clayton Developments on lands between Russell Lake and Hwy. 111 (Russell Lake West)** proceed through the planning approval process as quickly as possible.

8.0 ROLE OF PUBLIC PARTICIPATION COMMITTEE

- (1) That HRM, through the Eastern Region Planning Office, coordinate an on-going volunteer committee to monitor, evaluate and if necessary fine tune the policies and recommendations contained in this document.

Appendix A
List of Committee Members

Joseph Diab 7 Casavechia Court Dartmouth, N.S. B2X 3G7	Andrew Giles Armco Capital Corp. 6009 Quinpool Road, 4th Floor Halifax, Nova Scotia B3K 5J6
Dr. Scott Mawdsley 4 Sprucewood Court Dartmouth, N.S. B2W 6E7	Phil Elliott, Chair 12 Swanton Drive Dartmouth, Nova Scotia B2W 2C4
Cathy Rossi-Brown, President Oknah Realty Limited 18 Deganis Drive Dartmouth, Nova Scotia B2V 2S6	Dennis Richards, Vice-Chair 96 Wexford Road Dartmouth, Nova Scotia B2V 1S1
Norman Wiechert 8 Wedgewood Court Dartmouth, N.S. B2W 6A2	Dr. Hugh Millward 3 Ralph Edward Court Dartmouth, Nova Scotia B2W 6A1
Nateleen Zinck 18 Liscomb Court Dartmouth, Nova Scotia B2W 4G8	Mr. John Dalton Canada Land Company 1505 Barrington Street, Suite 1205 Halifax, N.S. B3J 3K5
Mike Hanusiak Clayton Developments Limited 255 Lacewood Drive, Unit 100C Halifax, Nova Scotia B3M 4G2	

**ATTACHMENT I: PROPOSED REVISIONS:
DEVELOPMENT PARCELS**

MORRIS – RUSSELL LAKE MASTER PLAN AREA

The following revisions are proposed to the Future Land Use and Transportation Plan which received agreement in principle from Harbour East Community Council in May, 2000. The changes are required in light of:

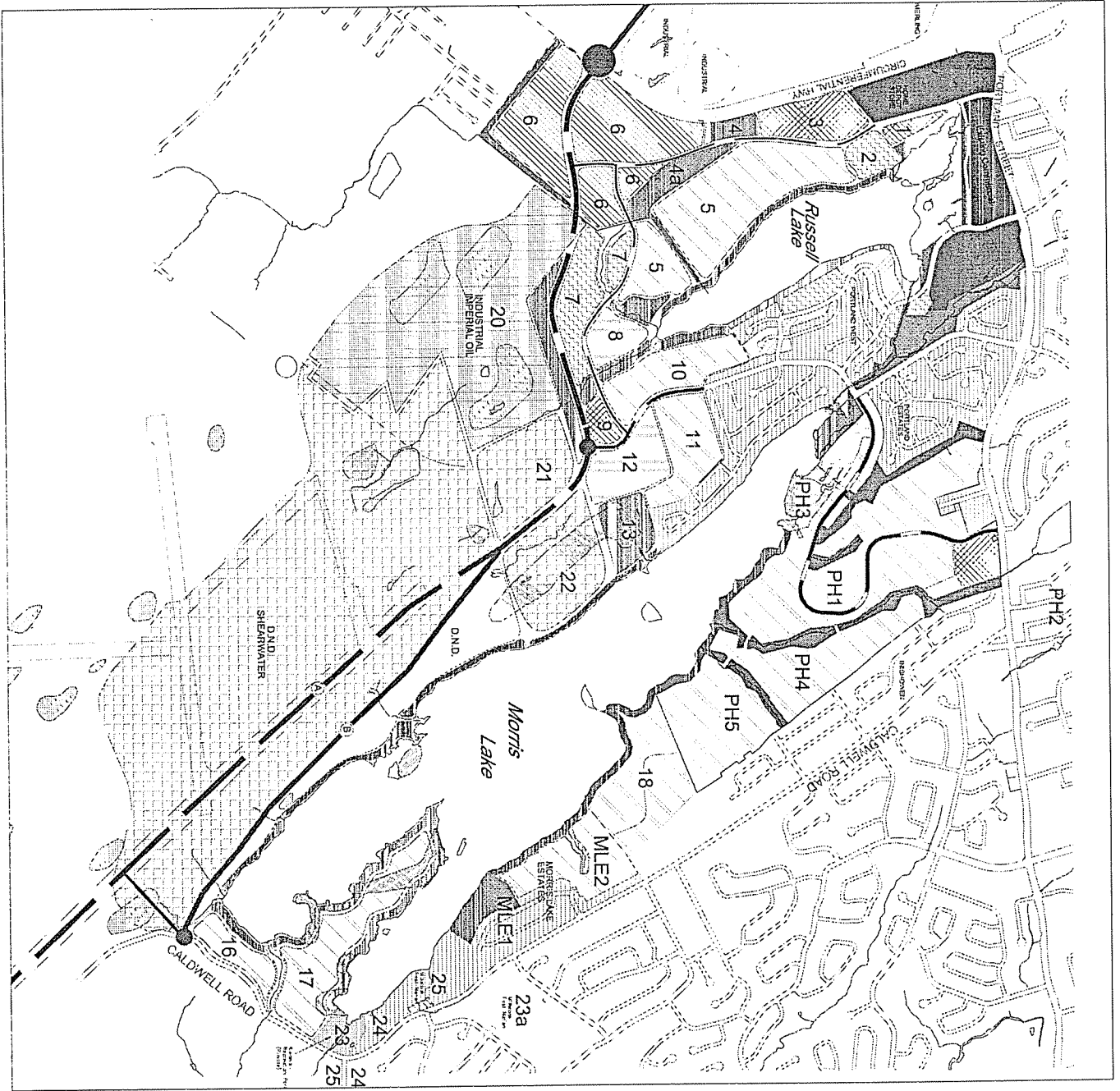
- The Province's confirmed location of the Highway 111 Interchange. The Committee had originally identified a location for the Interchange that was considerably closer to the Portland Street. The Province has directed that it be constructed opposite the Woodside Business Park. The shift in location requires a repositioning of the "General Commercial" designation.
- The Province and the Municipality wish to restrict left-hand turning movements along the proposed Caldwell Road Connector between Portland Estates Blvd. and Baker Drive extension. As such, the proposed school site (originally Parcel 13) must be relocated elsewhere in the plan area.
- Given access restrictions to the Caldwell Road Connector a parallel "minor" collector road will be required to eventually link Portland Estates with development on the west side of Russell Lake. The collector road is also required to provide access to lands that abut the proposed collector road. The thru connection to Portland estates will not occur until the Caldwell Road Connector connects the Caldwell Road to Highway 111.
















The revised Future Land Use and Transportation Plan is reproduced on the following page. A description of development to be permitted on each parcel is provided as follows:

Parcel 1:

This parcel, approximately ~~3~~ **five** acres in size, is situated between Baker Drive Extension and Russell Lake. It lies across Baker Drive from the approved Home Depot development. The site slopes steeply from Baker Drive to a parcel of HRM-owned parkland abutting the lake.

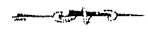
The Committee recommends the property be developed for residential and community commercial uses, and given its location adjacent a regional commercial centre, apartment building development is considered acceptable for the entire site, subject to all other applicable CDD policies. **A maximum of 84 units shall be permitted in the apartment building and any commercial building shall be limited to 14,000 square feet of floor**



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

**RUSSELL LAKE / MORRIS LAKE
GENERALIZED FUTURE
LAND USE MAP
(RUSSELL LAKE WEST)**

AREA 4
SCALE: NTS
October, 2004



area. Commercial occupancies shall be restricted to local commercial uses permitted under the Dartmouth Land Use By-law. Impervious surfaces shall not exceed 40 % of the lot.

Parcel 2 (Formerly a portion of Parcels 2, 6, and 10)

This parcel is situated between Baker Drive Extension and Russell Lake. The property may be developed for both multiple-unit buildings not exceeding six habitable floors above underground parking and/or townhouses. The development agreement will contain provisions that encourage adequate landscaping, good architectural details, on-site circulation and private amenity spaces. Most of the land along the shoreline shall be maintained in its natural state in accordance with all applicable CDD policies.

Parcel 3 (Formerly a portion of Parcel 3)

This parcel is situated between Baker Drive Extension and Highway 111. The property is well suited for and may be developed for a variety of higher-density including but not limited to multiple-unit buildings, seniors accommodations, and townhouses. Multiple unit buildings and senior accommodations shall adhere to the same height restrictions imposed on Parcel 2.

Being adjacent to a major collector road, the parcel may also be considered for commercial uses that would serve the broader communities abutting Russell Lake and Morris Lake. Major food stores will be permitted by development agreement along with other "local" commercial uses wherein the size, any single commercial use (store or business) shall not exceed 25,000 square feet of floor area. Car dealerships and similar outdoor display courts shall not be permitted in the area.

Parcels 4 and 4a (Formerly portions of Parcels 4, 5 and 7)

Parcel 4 is a small parcel of land containing storm water flows originating from the west side of the Circumferential Highway. The area has been expanded to include additional lands that will be used to control and treat post-development storm water. The area will be conveyed to the Municipality upon completion and acceptance of approved storm water management systems.

Parcel 4a contains a small watercourse, which conveys storm water from Parcels 4 through to a larger brook to the east of the NSPI power line right-of-way. The area has been expanded to provide for an active park area. The design of the park shall be confirmed by development agreement and shall have frontage on both Baker Drive extension and the minor collector road. The area shall serve as a separation between the commercial uses within Parcel 6 and the residential uses contained within Parcel 5.

Parcel 5 (formerly portions of Parcels 2, 6, and 10)

This is a large contiguous parcel of land situated between Baker Drive Extension and Russell Lake. Baker Drive is to be constructed as a major collector street. A mix of single-unit, semi-detached, townhouses, and multiple-unit dwellings are recommended with the multiple-unit buildings to be located adjacent to Baker Drive. Such buildings shall not exceed four floors of habitable space above underground parking. Due to areas of steep topography, careful design of the local streets network and land uses is required to minimize terrain disturbance and protect the lake.

In order to encourage residents to walk to neighbourhood convenience stores, videos outlets, medical offices, etc., local commercial uses may be permitted by development agreement at strategic locations abutting Baker Drive Extension and the proposed minor collector road connecting Baker Drive to Portland Estates West Blvd. Such uses shall be limited to a total of 20,000 sq. ft. of floor area at any one location. Only one such location shall be permitted along Baker Drive and the local collector road.

Parcel 6 (formerly portions of parcels 5, 7, 8, and 8a and additional lands formerly belonging to Irving Oil)

This parcel (consisting of four sub-parcels) is situated between Highway 111, the Caldwell Road Connector, and Baker Drive Extension, and as such, is well suited for major commercial and/or high-density residential development. The area is separated from other residential parcels by a major open space area (Parcel 4a) and the NSPI power line.

Future development shall proceed by development agreement with close attention being paid to such factors as access, architectural design, landscaping, signage, environmental design (including storm water management), parking, transit, and night lighting. As this is still under the control of the Shearwater Air Base, height limitations shall be in accordance with applicable federal regulations.

In light of the shift in location of the Interchange, the Committee recommends that the commercial designation be extended in a southerly direction adjacent to the existing mixed-use neighbourhoods abutting Brompton Road. Appropriate buffering between new and existing uses shall be required through the development agreement.

The Committee recognizes that a portion of these lands is currently designated industrial under the Dartmouth MPS. Given the clear preference for mixed commercial and high-density residential, the MPS shall be amended to facilitate development in accordance with the Master Plan.

Comment: This parcel includes lands abutting the Woodside Subdivision which were recently purchased by Clayton Developments from Irving Oil Ltd. These lands are currently zoned industrial. Clayton has proposed to forgo any potential industrial development with a mix of general commercial and high density residential uses.

Parcel 7 (formerly portions of parcels 7, 9, 10 and 13)

This parcel (consisting of two sub parcels) abuts the proposed local collector road and the Caldwell Road connector. Mixed-use residential development is recommended with higher density development to be located adjacent to the Caldwell Road connector. Private driveway access should not be permitted to the Connector.

Parcel 8 (formerly portions of Parcel 13)

A new elementary school has been constructed within the Master Plan area. The school has rapidly reached capacity due in part to new construction and a shift in school boundaries. The Master Plan has identified a potential school site at the south end of Russell Lake abutting the local collector road.

The Committee is aware of Council's approach to reserving potential school sites as recently defined by the Wentworth/Bedford South Master Plan. The Committee recommends that the same approach be undertaken for this parcel- specifically, that the Province in consultation with the Halifax Regional School Board be afforded sufficient time to determine if the parcel should be acquired for a school site.

For this Master Plan, the Committee recommends that the limitation on development for this parcel remain in effect until the greater of 500 residential units have been constructed along the west side of Russell Lake or once five years have past from the date of approval of the Master Plan by Regional Council. As an alternative to a school site, the parcel may be developed for either medium or high-density residential to a

density not exceeding 15 units per acre or five habitable floors above underground parking.

Parcels 9, 10, 11, 12, 13 (formerly portions of parcels 12, 14, 15, 19, and 19a)

These parcels are currently owned by either the Province of Nova Scotia or the DND. In all likelihood, these lands will not be developed until completion of the Caldwell Road connector and a permanent closure of the north-south runway at Shearwater. Notwithstanding, there is a need to identify appropriate land uses for this area in conjunction with the Master Plan.

Recognizing the need to fully evaluated servicing constraints as they might relate to either sanitary sewer shed, the Committee recommends the following land use priorities:

Parcel 9 - Community Commercial Uses in light of the location of this parcel adjacent to a major arterial and two minor connector streets.

Parcels 10 and 11-- The areas most adjacent to the established residential neighbourhoods of Portland Estates shall be limited to single-unit dwellings. Areas closer to the Parcel 9 and Parcel 12 may be considered for a wider variety of residential uses. Steep slopes adjacent to Russell Lake shall be avoided.

Parcel 12 – This parcel has a relatively flat terrain with little or no standing timber. Its proximity to the major transportation corridors and residential areas suggests that the parcel would be ideally suited for major recreation facilities.

Parcel 13 – This parcel contains an area of poorly drained soils and is immediately adjacent to Morris Lake. The Committee recommends that the area be reserved for passive open-space purposes.

Parcels 20, 21, and 22

The Imperial Oil refinery has been in existence since the First World War. The refinery property is situated to the west of Pleasant Street, and associated operations and fuel storage tanks are located east of Pleasant Street. Within the study area (watershed of Morris and Russell Lakes), land uses are limited yet have significant impacts on the development of adjacent lands. Parcel 20 has historically been used as a disposal area for refinery by-products, including toxic waste and a dry landfill. A portion of this area is actively used as a soil reclamation farm, whereby sludge from the refinery is chemically treated and reclaimed.

On occasion, this operation results in objectionable odours which, depending on wind direction, impact existing residents of Portland Estates.

Parcels 21 and 22 are undeveloped, apart from a water supply line and pumping station, which draws a significant volume of water from Morris Lake to meet the fresh water supply needs of the refinery operation. Parcel 22 also contains a substantial wetland that eventually discharges to Morris Lake.

In acknowledgment of the on-going operational needs of the refinery and in order to protect, as much as possible, future development in the Russell Lake area, the Committee recommends the following:

- (a) that a substantial natural buffer area be maintained on both the Imperial Oil property (Parcel 22) and on the N.S. Business Development Corp. property (parcel 20 and lands adjacent thereto). The Caldwell Road Connector will form the boundary separating the existing industrial uses from the proposed residential uses.
- (b) that the Caldwell Road Connector traverse the Imperial Oil property, as generally illustrated on the Concept Plan, ensuring that its alignment is such that environmental hazards and sensitive areas (watercourses and wetlands) are avoided.
- (c) that Parcels 21 and 22 be left as natural buffer/environmental protection areas, and that potential future uses of these lands be considered in the context of development decisions related to CFB Shearwater.
- (d) Imperial Oil Ltd., in cooperation with the Department of the Environment and HRM, be encouraged to ensure that all aspects of its operations are brought to current environmental standards.
- (e) that all landfill sites and the soil farm are secure, from the perspective of human safety.
- (f) that Imperial Oil Ltd., in cooperation with the Department of the Environment, undertake a study to determine the impacts of potential changes in the volume of water extracted from Morris Lake (increase or cessation) on lake water quantity and the impact on the hydrology of the lake and its inflow and outflow systems (MPS Policy ML-21).

D.N.D. Shearwater lands: The Committee recommends that a separate comprehensive plan be prepared, taking into account the recommendations of this report, and Eastern Passage/Cow Bay Policies ML-15, ML-16, and ML-17.

Parcels 16 and 17

These lands, formerly zoned for single family development on on-site services, are now zoned Comprehensive Development District (CDD) and situated within the service boundary of the Eastern Passage/Cow Bay Plan Area, meaning that development may only occur by way of central sewer and water services. However, development of these parcels is constrained because of an existing lack of central water supply and lack of sanitary sewage capacity at the Eastern Passage sewage treatment plant. These deficiencies must be addressed before development can occur (refer to Chapter 3, Water Distribution System and Sanitary Sewage System).

Based on the recommendations of the Morris Lake Watershed Management Plan, no development within the study area is permitted with on-site septic systems (Eastern Passage/Cow Bay Policy ML-11(h)). It is for this reason that Parcels 16 and 17 are included within the service boundary and zoned CDD. The current lack of service capacity and water supply mentioned above must be addressed prior to development proceeding. The Committee recognizes that Oknah's previous as-of-right development capability has been removed, pending upgrades to the central servicing systems. As such, the Committee recommends that these parcels be given priority when additional capacity in the sewer and water systems are identified or made available (refer to Eastern Passage/Cow Bay Policy ML-9).

Parcel 17, the peninsula, is quite environmentally sensitive, and includes areas of wetland and pockets of exposed bedrock. Thus, any development must take place carefully in order to protect the lake and other important natural features.

The Committee recommends that due to these limitations, only single unit dwellings should be permitted and that lot sizes should be larger than the minimum allowed by the land use by-law.

Parcel 23

This property is located on Caldwell Road at the outlet of Morris Lake (Cow Bay River). It is owned by the Kiwanis Club of Cole Harbour and is being developed, or planned to be developed, for passive and active recreational uses, including parking areas, walkways, fitness trail, swimming area and boating opportunities. The Kiwanis Club is also proposing to construct a community centre on the site which, according to existing MPS policy, requires a development agreement approval by Council. Constraints to the community centre proposal include central water supply and sewer capacities, driveway access and size of the site, and the potential for flooding.

The Committee recommends that further recreational development of the property is to be encouraged, but that the proposed community centre should be considered through the development agreement process, to be considered on its own merits.

Parcel 24

This area consists of a number of existing single unit dwellings fronting on Caldwell Road, the Committee has no recommendations respecting these properties.

Parcel 25

With respect to the First Nations property, the lands on the west side of Caldwell Road are sparsely developed, comprising a number of single unit dwellings plus a commercial site.

MPS policy encourages the Band to come forward with development plans for the property and be included within the Eastern Passage service boundary (refer to ML-2 and ML-5 Cole Harbour/Westphal MPS)

Lands also owned by the Millbrook Band across Caldwell Road are outside the Morris-Russell Lake study area. This property is planned to be developed for apartment buildings and commercial development. This is not permitted in the zone applicable to the property (R-1), however, the Band is not bound by municipal planning legislation. Of greater concern is the impact of the proposed development on the sanitary and water systems and traffic. HRM is currently assessing this matter.

The Committee recommends, as stated previously, that HRM staff meet with members of the First Nations, at the earliest possible date, with respect to the development of the Native Lands on Caldwell Road, so that this development can be integrated with the development of the overall Morris-Russell Area.

Parcels 26 and 27

These parcels are situated at the intersection of Atholea Drive and Caldwell Road. During the Commercial MPS Review process for Dartmouth and Cole Harbour/Westphal (1998/99), the owner of the property requested that these parcels be considered for commercial zoning in order to construct local commercial uses to serve the adjacent neighbourhoods. This request was not granted by Council, but rather, was referred to the Morris-Russell Lake Committee for review and comment.

The properties are currently zoned R-1, which permits local commercial uses up to 2000 square feet in floor area, by way of development agreement. The owner, however, is requesting that a larger commercial development be considered.

Upon review by the Committee, it was determined that the Atholea/Caldwell intersection is an appropriate site for local commercial uses catering to the surrounding neighbourhoods. In order to ensure that the types of uses are controlled and that the sites and buildings are well designed, any commercial development should proceed by way of development agreement.

The Cole Harbour/Westphal MPS will require amending in order to implement this recommendation.

The Committee also recommends that further commercial be discouraged along Caldwell Road between Astral Drive and the road to MacDonald Beach.

Parcels 18, MLE-1, and MLE-2

The topography of these lands exhibits steep slopes, rising sharply from Morris Lake to the existing properties fronting on Caldwell Road.

Prior to the MPS amendment package of January, 1999, the upper portions of these properties were situated within the service boundary of the Eastern Passage sewerage system, while the lower portions were outside any service boundary. However, as a result of the amendments, the lower portions are now included within the Dartmouth service boundary, as it was determined that the majority of these lands may be serviced by gravity, to the pumping station at the head of Morris Lake. A portion of the lands (Morris Lake Estates) is currently being developed for 120 single unit dwellings. This development, with regard to sanitary sewage flows, is contingent on the volume of flows generated by the Heritage Hills development in Eastern Passage.

MPS policy stipulates that no road connection is to be constructed from Caldwell Road to the Portland Estates neighbourhood. As such, the street system for this parcel must rely on connections to Caldwell Road.

The Committee recommends the area be developed for mixed use residential and that careful siting of land uses and the road pattern is necessary in order to avoid areas of steep slopes.

Parcels PH4 and PH5

These parcels are not proposed to have any through connection to the Caldwell Road. Consequently, their development is entirely dependent on sewer servicing capacities and the ability of Portland Street to accommodate additional traffic. With the construction of the new Highway 111 Interchange and the completion of Baker Drive Extension, the Municipality is in a better position to determine the timing for development of these parcels. Assuming there is sufficient infrastructure to support development, these parcels may be developed for a mixture of residential uses consistent with the established pattern of development elsewhere in the Portland Hills Master Plan area.

MORRIS-RUSSELL LAKE AREA SECONDARY PLANNING STRATEGY

In 1997, Council retained Griffiths Muecke Associates to conduct a Watershed Management Study for Morris Lake. The purpose of the study was to establish a management framework by which to guide future development within the Morris Lake Watershed. The study focussed on determining the existing trophic status of Morris Lake as well as establishing criteria to control phosphorous and sediments from entering the lake and watershed. Although the terms of reference for the study focuses on Morris Lake, many of the recommendations refer to Russell Lake as well because water quality in Morris Lake is intimately linked to the nature of development activities in the Russell Lake sub-watershed. Therefore, recommendations should be considered applicable to the extended watershed that includes both lakes.

The study indicates that Morris Lake, while still in a relatively “healthy” condition, is in danger of becoming eutrophic if development in the watershed proceeds in an environmentally insensitive manner. To prevent Morris Lake from becoming eutrophic, the Morris Lake Watershed Management Plan ~~recommends~~ **recommended** that a Master Plan be prepared for this area to ensure development occurs in an environmentally sensitive and comprehensive manner. The Master Plan ~~should~~ **was to** address the key issues and constraints to future development within the area such as transportation, municipal services, land use, major recreation lands and linkages, potential school locations, environmental constraints and opportunities and so on.

To develop a Master Plan for the Morris-Russell Lake **secondary plan** area, ~~it is essential that~~ property owners, local area residents, the Dartmouth Lakes Advisory Board, and the general public ~~worked~~ **was** together. ~~To achieve this coordinated approach to development, and a public participation committee should be~~ **was** established to **coordinate and** develop the Master Plan. This Committee or a Sub-Committee thereof, would also be responsible for the evaluation of the detailed CDD approval process as described by Policy H-3(AA).

~~ML-1~~ It shall be the intention of Council to immediately undertake the preparation of a Master Development Plan for the Morris-Russell Lake area as generally indicated on Map 9M to ensure development occurs in an environmentally sensitive and comprehensive manner. The Plan shall be developed in consultation with property owners, residents of the area, the Dartmouth Lakes Advisory Board, and the general public. To achieve this goal, it shall be the intention of Council to establish a public participation committee which will (a) identify the issues and constraints to future development in the area; (b) determine alternatives and solutions to address issues and concerns identified; and (c) collaborate to produce a conceptual plan for the entire Morris-Russell Lake area.

To ensure development within the Morris-Russell Lake area occurs in an environmentally sensitive and comprehensively planned manner, the Morris Lake Watershed Management Plan recommendations should be applied to all undeveloped lands within the area. To prevent the area from developing in an ad-hoc, uncoordinated fashion, a comprehensive development district

(CDD) zone should ~~will~~ be applied in advance of the Master Development Plan being initiated. Future development then, will only occur by means of a development agreement process. **to all undeveloped lands within the Morris Lake watershed and to lands abutting the Highway 111 interchange, acquired by Clayton Developments Limited from Irving Oil Limited, where a new interchange is proposed.**

ML-1 ~~It shall be the intention of Council to apply the A Comprehensive Development District (CDD) Zone~~ **shall be applied to certain undeveloped lands within the Morris-Russell Lake watershed area and to a parcel of land abutting Highway 111, illustrated on Map 9M,** to ensure development proceeds in a comprehensive manner and to enable implementation of the Morris Lake Watershed Management policies.

FUTURE DEVELOPMENT WITHIN THE MORRIS-RUSSELL LAKE AREA

Most of the undeveloped parcels of land within the Morris-Russell area ~~cannot~~ **could not be immediately** developed given existing constraints in various infrastructure systems (transportation system, water distribution system, sanitary sewer system).

Through the Master Development Plan process ~~as identified under Policy ML-1,~~ existing infrastructure deficiencies ~~will be~~ **were** investigated and alternatives proposed. ~~Of the issues to be addressed under the Master Plan for the entire Morris-Russell Lake area,~~ Transportation, **environmental protection, land use,** and central services (sewer and water) ~~are~~ **were** key issues **to be addressed.**

Transportation

To address existing and future transportation issues within the Morris-Russell Lake area, the Master Development Plan process ~~must first identified~~ the existing transportation issues/concerns and secondly, ~~determined~~ alternatives/solutions to improving the overall transportation network in the Morris-Russell Lake area.

~~Presently;~~ **Without improvements to the area transportation network,** Portland Street ~~is~~ **was** at or near capacity. ~~If the undeveloped lands surrounding~~ **To allow for further development around** Morris and Russell Lakes ~~are developed,~~ the level of service on Portland Street, as it now exists, will continue to decline. ~~Thus,~~ there is a need for **either** Portland Street ~~needed~~ to be upgraded or modified to handle the additional traffic or alternative routes to the Circumferential Highway ~~are~~ **were** required.

A Traffic Impact Study, conducted by Streetwise Traffic Engineering, for Clayton Developments Limited lands on the east side of Morris Lake ~~has indicated~~ **concluded** that "there are limited opportunities to increase capacity on Portland Street without a major impact on abutting residential and commercial development". Therefore, the long term development of these lands

— Morris - Russell Lake Area
- - - Morris Lake Watershed Boundary



Map 9M

July 8, 1998

Last Update: December 9, 2004



Morris-Russell Lake Area

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will required alternative routes to Highway No. 111. The study recommended that a new interchange on Highway No. 111 (Circumferential) be established which is supported by Dartmouth's Municipal Planning Strategy. Policy T-6 supports the identification and protection of a right-of-way for an interchange off the Circumferential connecting it with the Russell Lake area.

The establishment of a new interchange on the Circumferential Highway will require involvement of the Department of Transportation and Public Works as the highway is the jurisdiction of the province. The establishment of the interchange is critical to the development of the Morris-Russell Lake area which, from a regional planning perspective, is an infill area within which residential and associated development should be encouraged. In order to facilitate urban growth in this area, Council should immediately commence negotiations with the province and the affected land owners to facilitate the proposed interchange.

ML-3 — With respect to the transportation network to serve the Morris-Russell Lake area, it shall be the intention of Council to restrict development on all lands zoned CDD unless it is demonstrated that vehicular traffic to be generated by the proposed development can be satisfactorily accommodated on Portland Street and its feeder streets. As part of the Master Development Plan for the area (refer to Policy ML-1); alternatives/solutions to address this issue shall be investigated, including the feasibility and timing of a new interchange on Highway No. 111. In this regard, it shall be the intention of Council to pursue construction of this interchange, in association with the Province and affected land owners.

The present collector road system proposed for the Morris-Russell Lake area (dating from the 1970's and 80's) envisioned a connection between Portland Estates Boulevard West and the proposed new interchange. Thus, traffic generated in the Morris-Russell Lake area would not have to access the Circumferential Highway via Portland Street. However, residents of the area have expressed concern with respect to this connection, and its timing, because of the potential for increased traffic through the neighbourhood. Residents are also concerned with potential impacts associated with a road connection from Portland Estates Boulevard West to Caldwell Road.

In addition to these internal collector roads, the Municipality's "GoPlan" recommends an arterial or collector road be established that connects the proposed interchange and Caldwell Road on the western side of Morris Lake, across the lands of CFB Shearwater. This road would provide an alternative route to Caldwell Road and Portland Street for residents living in and around Cole Harbour South. This collector road may reduce traffic on Portland Street and also may relieve traffic that would otherwise use Portland Estates Boulevard West. However, the establishment of such a road is uncertain at this time as the Department of National Defense has not made a decision on what lands of Shearwater are surplus. Nevertheless, there is a need to actively pursue the establishment of this roadway (termed the "Shearwater Connector") in order to address the concerns of the Portland Estates Community.

It is also noted the Municipality is presently conducting an "Integrated Servicing Strategy" for the urban areas within HRM. This study will assess current infrastructure systems (sanitary sewers, water supply, storm sewers and transportation networks) and identify options for upgrading and expanding these systems. The findings of the study should be coordinated with the Master Development Plan exercise to be carried out for the Morris-Russell Lake area.

~~ML-4~~ Further to ~~ML-3~~, it shall be the intention of Council to prepare, through the Master Development Plan process as described in Policy ~~ML-1~~, a transportation plan serving the Morris-Russell Lake area. In preparation of the plan, the Committee shall examine alternatives for the creation of an efficient road system to serve the greater area, while at the same time having due regard to maintaining the safety and integrity of existing residential neighbourhoods:

~~ML-4a~~ Further to ~~ML-4~~, it shall be the intention of Council, in order to address quality of life concerns within the Portland Estates community related to potential increases in traffic from surrounding areas, to implement the following transportation initiatives:-

- ~~_____~~ (i) that Portland Estates Boulevard & Portland Estates Boulevard West be designated local residential collector streets;
- ~~_____~~ (ii) that no street connection be established between Caldwell Road and the Portland Estates subdivision; and
- ~~_____~~ (iii) that a roadway connecting Highway No. 111 to Caldwell Road, on the west side of Morris Lake (termed the "Shearwater Connector"), be constructed prior to any extension of Portland Estates Boulevard West to said connector road.

In 2002, the Municipality identified the Highway 111 interchange as the highest priority for transportation infrastructure financing under the Canada-Nova Scotia Infrastructure Program. Funding was subsequently approved and a functional design study for the interchange undertaken¹. The Province stipulated the interchange location to allow for access to both the Morris-Russell Lake lands and the Woodside Industrial Park via an extension of the Mount Hope Avenue (referenced in this document as "the Caldwell Road Connector").

The study envisioned that, initially, the interchange would provide access from Highway 111 to Woodside Industrial Park and lands between the highway and Russell Lake by an extension of Baker Drive. Over the longer term, the Caldwell Road Connector would be extended eastward over portions of the Department of National Defense Shearwater Base to

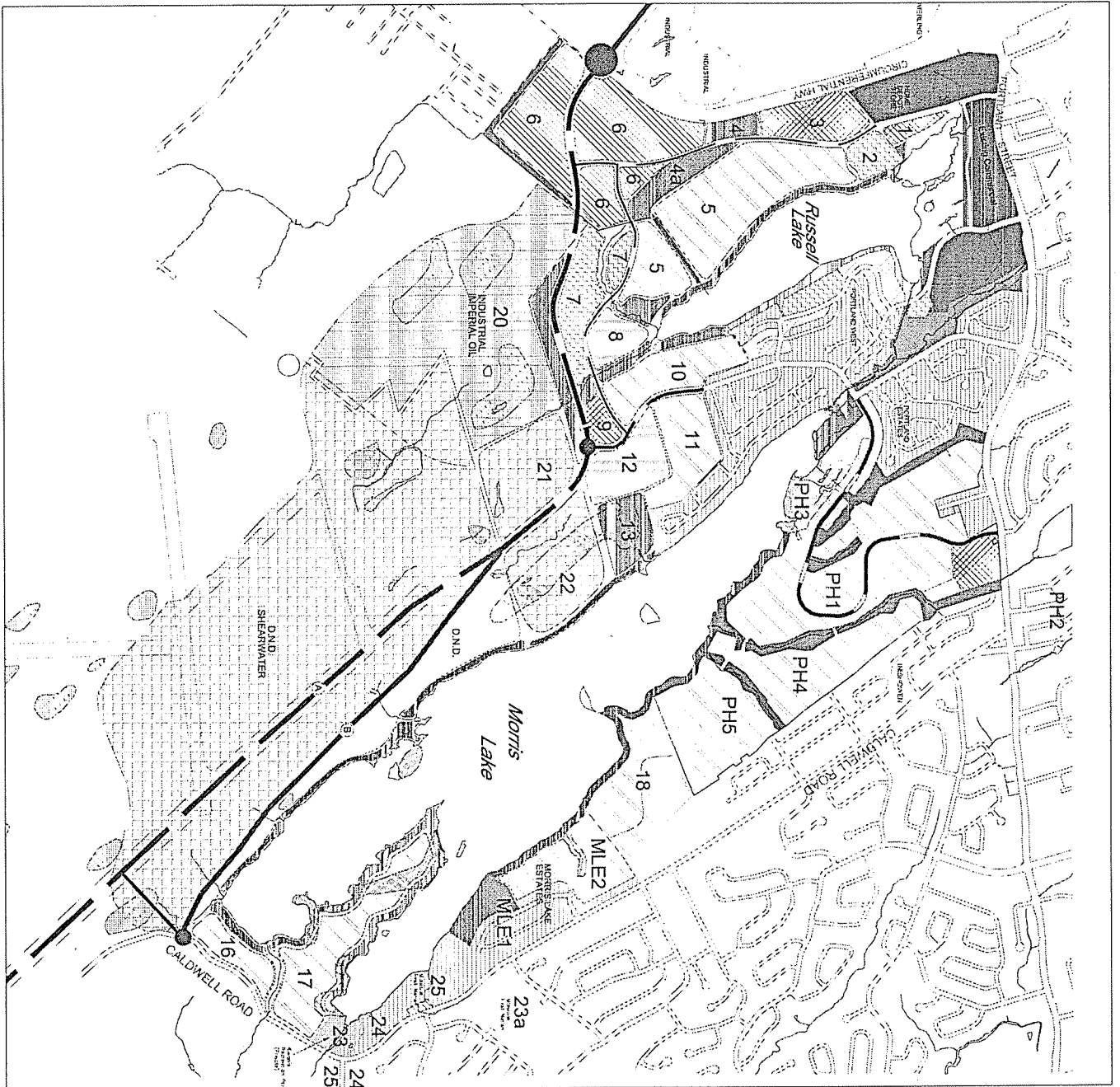
¹Atlantic Road & Traffic Management. *Final Report: Highway 111 - Cole Harbour Arterial Access Options Study*. July 2004. Prepared for Halifax Regional Municipality.

Caldwell Road, thereby providing an alternative access to Highway 111 for residential subdivisions around the Caldwell Road, as well as residents of Eastern Passage.

A diamond interchange was deemed the most economic design for the Municipality but the consultant established estimates of the maximum traffic loading which could be accommodated while maintaining a satisfactory service level. The consultant stated that the number of vehicles using the interchange could be reduced substantially from typical expectations by including transportation demand reduction measures such as mixed land use developments, improved transit services and walking or bicycle trips.

- ML-2 Except as otherwise permitted by policy ML-17, no development shall be permitted within the Morris-Russell Lake secondary plan area unless a new interchange is constructed on Highway 111 and Baker Drive connected to the interchange or financing for these projects secured and a time frame for completion established. Over the longer term, the Municipality shall work with property owners to extend the Caldwell Road Connector from the new interchange to Caldwell Road. The locations of the interchange, Baker Drive extension and the Caldwell Road Connector shall be as generally shown on Map 9N: Future Land Use and Transportation Plan.
- ML-3 The Municipality shall prepare a public transit routing plan for the secondary plan area which reflects the connection established between Baker Drive and the new interchange. The Municipality may require transit related facilities, such as bus bays and transit shelters, be provided on transit routes as a condition of development approvals. In accordance with the draft regional plan, the transit plan should consider establishing a transit hub in the vicinity of Baker Drive and the connector road proposed between Baker Drive and Portland Estatic Boulevard West in consultation with the property owner.
- ML-4 A series of trails for pedestrians and cyclists shall be established within the secondary plan area which link residents with commercial, employment and other activity centers and to public transit facilities and, where feasible, to regional trail systems which are developed or planned. Without limiting the foregoing, the Municipality shall establish a multi-use trail between the secondary plan area and the Woodside Ferry Terminal.

During the course of preparing the master plan, concerns were heard from area residents about excessive traffic levels on Portland Street and Caldwell Road, as well as short-cutting on local streets. In response, a road hierarchy and phasing plan has been developed and commitments made to undertake various studies.



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

RUSSELL LAKE / MORRIS LAKE
 GENERALIZED FUTURE
 LAND USE MAP
 (RUSSELL LAKE WEST)

AREA 4
 SCALE: NTS
 October, 2004



ML-5 The following road classification shall be applied within the secondary plan area:

Arterials: Caldwell Road Connector (Hwy. 111 interchange to Caldwell Road)

Major

Collectors: Baker Drive, Eisener Boulevard, Norman Newman Boulevard, Caldwell Road from Atholea Drive to Caldwell Road Connector

Minor

Collectors: Portland Estates Boulevard, Portland Estates Boulevard West, Portland Hills Drive, Caldwell Road from Atholea Drive to Portland Street/Cole Harbour Road and the proposed connector road between Portland Estates Boulevard West and Baker Drive

ML-6 No street connection shall be established between Caldwell Road and the Portland Hills subdivision.

ML-7 Access from Alpine Drive to Portland Street shall be restricted to right-out movement.

ML-8 Upon satisfying the requirements to allow for development stipulated under policy ML-2, development shall be permitted on parcels 1 to 13 (as shown on Map 9N) except that no road connection shall be established with Portland Estates Boulevard West until the Caldwell Road Connector has been constructed to Caldwell Road. No further development shall be permitted within the Morris - Russell Lake Secondary Plan Area until the Caldwell Road Connector has been constructed to Caldwell Road unless a traffic study has been undertaken by a qualified consultant which demonstrates that the level of service on Portland Street and Caldwell Road conforms with the performance criteria established under the Municipality's Guidelines for Preparation of Traffic Impact Studies and the road classification established under policy.

ML-9 The Municipality shall undertake studies and implementation plans prior to the completion of the new Highway 111 interchange to address the following matters:

- (a) Municipal/Provincial initiative to address transportation issues for the Harbour East area;
- (b) the extent to which shortcutting is taking place on streets north of Portland Street, and where appropriate, implement traffic calming measures to mitigate impacts within the affected neighbourhoods;

- (c) **potential upgrades to Norman Newman Blvd. to accommodate traffic between Baker Drive and the new Hwy. 111 interchange, while keeping in mind the sensitivity of Russell Lake;**
- (d) **extending the left hand turning lane from Portland Street onto Eisener Blvd. in order to facilitate additional traffic to Baker Drive via Norman Newman Blvd;**
- (e) **preparation of a comprehensive transit plan that capitalizes on the new interchange and park and ride facility at Portland Hills Blvd. and Portland St. and the potential for a new transit hub in the vicinity of Baker Drive and the connector road proposed between Baker Drive and Portland Estatic Boulevard.**

~~With regard to the future collector road system, the Municipality, at present, does not contribute funds for over-sizing of such streets. To ensure a proper road hierarchy, alternative means must be found to help fund the construction of the collector road system. The Municipality is currently requesting the Province to amend the HRM Act to permit development charges to be levied which could help fund the required transportation infrastructure. The development charges would allow the Municipality to build the proposed infrastructure and to recoup the costs when the lands are developed through a fee on any new lots created. It is not the intention that such a fee would be imposed on existing developed lots. In addition, development charges would also address other infrastructure needs such as the over-sizing of central servicing systems.~~

~~ML-5—Upon obtaining the necessary enabling legislation through the Province, it shall be the intention of Council to implement a program of development charges in the Morris-Russell Lake area in order to fund new infrastructure systems, including transportation systems, sanitary sewers, storm sewers and water supply. It is the intention such development charges will be applied to all new development (lot creation) and not to existing developed property.~~

Central Services (Sewer & Water)

Many of the undeveloped parcels of land within the Morris-Russell Lake area are situated within a municipal servicing boundary, where development can only occur based upon central sewer and water services. However, a number of parcels of land are situated beyond municipal servicing boundaries (sewer & water) and can presently be developed based on on-site septic systems. The Morris Lake Watershed Management Study recommends that future development within the Morris-Russell Lake area should not proceed by on-site septic systems due to the potential negative impact such systems can have on the lakes. Thus, all new development within the area should be connected to central services (water & sewer).

- ML-10 Within the Morris-Russell Lake **secondary plan** area, it shall be the intention of Council not to consider any new development on lands zoned CDD unless serviced with both central sewer and water services. It shall be the intention of Council to include all undeveloped lands within the Morris-Russell Lake **secondary plan** area within a municipal development (service) boundary (Map 90).

Within the Morris-Russell Lake area, there are constraints in the existing sewer and water infrastructure systems, yet these deficiencies do not affect all of the undeveloped lands in the same manner. The undeveloped lands on the west side of Morris Lake and the lands adjacent to Russell Lake, are situated within the existing Dartmouth Development Boundary. Lands on the east side of Morris Lake ~~should be~~ **have been** included within the Dartmouth Plan Area and Development Boundary as development of these lands can proceed by means of gravity flow to the Dartmouth sanitary sewer system.

The Municipality is currently preparing a wastewater management plan for the Eastern Passage Wastewater Treatment Plant Sewershed. Upon completion of this study and upgrades to the treatment plant, the Municipality should undertake a review of the sanitary sewer service boundary established for this sewershed, particularly in the vicinity of Caldwell Road.

In addition, the Water Commission has indicated that water can be provided to the existing serviceable areas at this time, but not to the entire Morris-Russell Lake area due to pressure levels and water line capacities. Thus, development should not proceed until the necessary upgrades are identified and completed.

~~As stated previously, The Municipality is in the process of conducting~~ **has undertaken** an Integrated Servicing Strategy to identify **which identified** servicing deficiencies, including central water and sewer services. The Strategy ~~will also identify~~ **has also identified** upgrades or modifications needed in the long term to develop the undeveloped lands within the Morris-Russell Lake **secondary plan** area. Until such new systems, upgrades or modifications are complete (water distribution system and sanitary sewer system) development within the area should be restricted.

- ML-711 It shall be the intention of Council to restrict development on lands zoned CDD within the Morris - Russell Lake **secondary plan** area until all infrastructure deficiencies (i.e. water and sewer) are resolved and development can proceed without exceeding the capacity of municipal infrastructure.
- ML-12 **The Municipality shall implement an inflow and infiltration program for the Cole Harbour/Eastern Passage and Dartmouth sanitary sewer systems in order to reduce capacity constraints within the existing system.**

- ML-13** Commencing on May 25, 2000, new development which is to be served by the Caldwell Road water distribution system shall be limited to two hundred (200) new building lots until system upgrades to the Innishowen Subdivision have been completed. Commencing May 1, 2005, no further development served by the Caldwell Road water distribution system shall be permitted until system upgrades to the Innishowen Subdivision have been completed.
- ML-14** The Municipality shall require that all existing and future pumping stations be equipped with stand-by generators. The Municipality shall also establish a means to notify the public in the event that it has become aware of sewage overflow from the collection system into the surrounding watershed area.
- ML-15** Upon completion of a wastewater management plan for the Eastern Passage Wastewater Treatment Plant Sewershed and upgrades to the treatment plant, the Municipality shall undertake a review of the sanitary sewer service boundary established for this plant.

Infrastructure Charges

Following provincial adoption of legislation which allows for the impositions of infrastructure charges to recoup the costs of oversized infrastructure, the Municipality adopted a capital cost contribution policy. The policy applies to all new major areas in the Municipality proposed for new development and shall apply to lands within this secondary plan area.

- ML-16** The Municipality shall implement infrastructure charges to this secondary plan area under the Subdivision By-law in accordance with the policies for infrastructure charges established under the capital cost contribution subsection of the implementation section of this Municipal Planning Strategy.

Immediate Development Potential

~~Of the existing undeveloped parcels of land within the Morris-Russell Lake area, Clayton Developments Limited owns 270 acres of undeveloped land on the east side of Morris Lake on which they intend to develop a mixed residential housing development. However, only a portion of the lands can be developed at this time due to Portland Street being near or at capacity, as well as deficiencies within the existing infrastructure system, particularly central water supply.~~

Prior to completing the master planning process, Clayton Developments Limited has had existing development rights on approximately 131 acres of its land holding for serviced residential lots. To recognize In recognition of these existing development rights and to minimize the impact of traffic generation on Portland Street and on the existing infrastructure (i.e.: the water distribution system), the Municipality adopted interim policy provisions and

~~entered into a development agreement with Clayton Developments Limited should only be permitted to develop the amount of land currently capable of being serviced (approximately 131 acres) on their property, until such time as all infrastructure deficiencies (i.e. transportation, sewer, and water) are satisfactorily addressed. to permit development over 131 acres. The Municipality will continue to honor this agreement. Any further amendments will be subject to any applicable policies adopted for this secondary plan area as well as the entire community.~~

ML-8 It shall be the intention of Council to consider permitting the development of a maximum of 131 acres of land as generally illustrated on Map 9M as "Area for Immediate Development" in recognition of existing serviced development rights on the property and in order to minimize the impact on existing municipal infrastructure, especially traffic generation on Portland Street and the water distribution system. Council shall permit modifications to the boundary of this area as part of the detailed CDD planning process, provided the total area to be developed does not exceed 131 acres and provided the modifications do not further impact upon the capacity of municipal infrastructure currently allocated to these lands. (Regional Council = December 9, 2003, Effective January 24, 2004)

ML-17 The Municipality will honor all commitments made under a development agreement for Portland Hills on 131 acres of land adjacent to Portland Street and Innishowen Subdivision. Any further amendments to this agreement shall only be considered where such amendments conform with all applicable provisions adopted under this secondary planing strategy and any general provisions applicable under this municipal planning strategy.

~~Recently, the provincial government announced the construction of a number of new schools. One of the proposed schools is planned for the Morris-Russell Lake area. Clayton Developments Limited has indicated a desire to incorporate a school within their development. However, the School Board has indicated such schools will not be constructed until existing schools are at capacity and housing construction warrants the new school. Due to the importance a new school is to local residents, the area of land that Clayton can develop in the interim may be expanded to incorporate a school site if identified by the School Board.~~

ML-9 ~~Notwithstanding Policy ML-8, Council shall permit the expansion of the "Immediate Development" area to accommodate the establishment of a school for the Morris-Russell Lake area, subject to the adequacy of municipal sewer and water services to accommodate the development.~~

Future Land Uses

ML-18 The Future Land Use and Transportation Plan, presented as Map 9M, shall provide overall guidance for land use allocation within this secondary plan area

and the following guidelines shall be adhered to in any development agreement application:

- (a) **Parcel 1:** This parcel may be developed with an apartment building not exceeding 84 dwelling units or four stories in height and a commercial building not exceeding 14,000 square feet. Commercial occupancies shall be restricted to local commercial uses, as defined by the Land Use By-law, except that drive through restaurants shall not be permitted. The site design shall give consideration to environmental and aesthetic impacts, as well as the safety and efficiency of traffic movements between the site and Baker Drive. Impervious surfaces shall not exceed 40 percent of the lot;
- (b) **Parcel 2:** This property may be developed for both multiple-unit buildings not exceeding six habitable floors above underground parking, townhouses or a combination thereof. Provisions shall be made to ensure adequate landscaping, an architectural design that is visually interesting and compatible with the surrounding natural environment, on-site circulation and private amenity spaces. Most of the land along the shoreline shall be maintained in a natural state in accordance with applicable municipal policies;
- (c) **Parcel 3:** This property may be developed for a variety of higher-density developments including but not limited to multiple-unit buildings, seniors accommodations, and townhouses. Multiple unit buildings shall adhere to the same height restrictions imposed on Parcel 2;

Commercial uses which serve the broader communities around Morris and Russell Lake shall be permitted. Except for retail food stores, the size of any single commercial use (store or business) shall not exceed 25,000 square feet of floor area. Car dealerships or other outdoor display courts shall not be permitted;

- (d) **Parcel 4:** On the west side of Baker Drive, this parcel serves to convey storm water flows originating from the west side of the Circumferential Highway. The area has been expanded to include additional lands that will be used to control and treat post-development storm water. The area will be conveyed to the Municipality upon completion and acceptance of approved storm water management systems;
- (e) **Parcel 4A:** A small watercourse is found on these lands which conveys storm water from parcel 4 through to a larger brook to the east of the NSPI power line right-of-way. The area has been expanded to provide for active park facilities. The design of the park shall be confirmed by

development agreement and shall have frontage on both Baker Drive extension and the minor collector road. This area shall also serve as a separation between the commercial uses within Parcel 6 and the residential uses contained within Parcel 5;

- (f) **Parcel 5:** A mix of single-unit, semi-detached, townhouses, and multiple-unit dwellings will be permitted. Multiple-unit buildings shall be restricted to lands abutting Baker Drive and any such buildings shall not exceed four floors of habitable space above underground parking. Due to areas of steep topography, careful design of the local streets network and land uses is required to minimize terrain disturbance and protect Russell Lake;
- Local commercial uses, as defined by the Land Use By-law, may also be permitted on properties abutting Baker Drive Extension and the proposed local collector road. Such uses shall be limited to a total of 20,000 sq. ft. of floor area at any one location. Only one such location shall be permitted along Baker Drive and the local collector road. Sites shall be selected which offer strong opportunities for pedestrian access from surrounding residential neighbourhoods;
- (g) **Parcel 6:** Major commercial and high-density residential developments shall be encouraged over these lands. Consideration shall be given to providing safe and efficient access between developments and the transportation system for private vehicles, public transit, cyclists and pedestrians. Consideration will also be given to architectural design, landscaping measures, signage, lighting and environmental protection measures needed to produce an attractive and safe environment for a mixed use development that might be considered a gateway to the community. Clause (e) of policy ML-23 shall not be applied to this parcel but any federal restrictions or guidelines imposed to protect the Department of National Defence Shearwater Air Base shall be adhered to as this area is within close proximity;
- (h) **Parcel 7:** A mixture of residential developments shall be supported provided that higher density development is located adjacent to the Caldwell Road Connector but no driveway access is permitted to this road;
- (i) **Parcel 8:** This parcel is reserved for a school site until the greater of 500 residential units have been constructed along the west side of Russell Lake or once five years have past from the date of approval of this Secondary Planning Strategy by Regional Council. As an alternative to a school site,

the parcel may be developed for either medium or high-density residential developments to a density not exceeding 15 units per acre and five habitable floors above underground parking;

- (j) **Parcel 9:** This parcel is reserved for local commercial uses. Driveway access shall only be permitted to the minor collector extending between Baker Drive and Portland Estates Boulevard West. Consideration shall be given to architectural design, landscaping measures, signage and site access so as to achieve an attractive development within a suburban context which can be safely accessed by motorists, cyclists and pedestrians;
- (k) **Parcels 10 and 11:** The areas most adjacent to the established residential neighbourhoods of Portland Estates shall be limited to single-unit dwellings. Areas closer to the Parcel 9 and Parcel 12 may be considered for a wider variety of residential uses. Steep slopes adjacent to Russell Lake shall not be developed;
- (l) **Parcel 12:** This parcel has a relatively flat terrain with little or no standing timber. Its proximity to the major transportation corridors and residential areas suggests that the parcel would be ideally suited for major recreation uses. Any use of this property, however, may be contingent upon future operational needs of CFB Shearwater;
- (m) **Parcel 13:** Due to the poorly drained soils and proximity to Morris Lake, this area is reserved for passive open-space purposes;
- (n) **Parcels 16 and 17:** Development of these parcels will be restricted to single unit dwellings due to the environmental sensitivity of these lands;
- (o) **Parcels 18, MLE-1 and MLE-2:** These parcels may be developed with a mixture of residential uses. Consideration is to be given to the steep grades over these lands when siting roads and development;
- (p) **Parcels PH4 and PH5:** These parcels may be developed with a mixture of residential uses consistent with the established pattern of development elsewhere throughout the Portland Hills subdivision;
- (q) **Parcels 20, 21 and 22:** These parcels house an oil refinery operation with activities predominantly located on parcel 20. Parcels 21 and 22 remain undeveloped with the exception of a water main and pumping station which draws water from Morris Lake for use in the refinery operations. With the exception of the proposed Caldwell Road Connector, Parcels 21

and 22 shall be retained as a natural buffer from the refinery operation unless an environmental suitability study is undertaken;

- (r) Parcel 23: This parcel is owned by Kiwanis Club and is being developed for various recreational uses. A community centre is also proposed. The R-1 zone will be applied to this property which permits open space uses. Due to various site constraints, development of a community centre may only be considered by development agreement. Consideration will be given to the adequacy of central sewer and water services, potential for flooding, and the safety of driveway access;
- (s) Parcel 24: A number of existing single unit dwellings are located on these lands. The R-1 (Single Unit Dwelling) Zone shall continue to be applied to reflect these uses. No provisions for alternative uses shall be made;
- (t) Parcel 25: This property is owned by the First Nations Millbrook Band which is not subject to municipal regulations. In preparing any future development plans for these lands, the Municipality will encourage the Band to take into consideration the surrounding environment as envisioned by this secondary planning strategy. The CDD (Comprehensive Development District) Zone shall be applied to these lands.

Density

ML-19 The allowable density on parcel 1 shall conform with the requirements of clause (a) of policy ML-18 and the allowable density on parcel 8 shall conform with the requirements of clause (i) of policy ML-18. The density limitation established under clause (d) of policy H-3B shall be applied to the following aggregated parcels:

- (a) parcels 2, 3, 4, 4a, 5, 7 and 8;
- (b) parcels 9, 10, 11, 12 and 13;
- (c) parcels 20, 21 and 22;
- (d) parcels 16 and 17;
- (e) parcel 25
- (f) parcels MLE1, MLE2 and 18;
- (g) parcels PH4 and PH5.

ML-20 On parcel 6, a maximum population of 4,200 persons equivalent and a maximum of 950 apartment units shall be permitted. For the purpose of determining persons equivalent, a gross density of 40 persons per acre shall be assumed for all commercial developments and 2.25 persons per apartment shall be assumed.

ML-21 Incentives may be introduced in support of affordable housing. Without limiting the generality of this statement, bonus densities might be considered for properties on transit routes and near employment centres provided that such incentive is voluntary and does not result in excessive concentration of housing or housing types in any area.

Parkland and Open Space

In addition to parcels identified for recreational purposes under policy ML-17, lands are to be acquired for trail development, particularly along lake shores and watercourses. Lake shore buffer areas will be sought throughout the secondary plan area with emphasis placed on securing public ownership. The Municipality shall also encourage developers to assist in the development of active recreation parks by undertaking site preparation and installation of recreation equipment. In exchange, the normal land dedication requirements may be reduced.

ML-22 The Municipality shall acquire lands for public trails with emphasis on locations adjacent to lakes and watercourses. The following specific criterion shall be applied to any development agreement application:

- (a) no more than 50 percent of the lakeshore within each development agreement application shall be privately owned;
- (b) where private lakefront ownership is proposed, adequate alternative pedestrian links are provided from the publically-owned lake front buffer area through a street or walkway system and back to the lakefront;
- (c) the determination of private versus public lake front ownership shall be negotiated through each development agreement application on a case-by-case basis;
- (d) stormwater treatment facilities may be located on municipal lands but shall not be located on municipal parkland;
- (e) lands which face severe topographical constraints or contain severe environmental characteristics may be considered for public parkland dedication in accordance with municipal parkland guidelines.

ENVIRONMENTAL PROTECTION MECHANISMS

As development occurs within the Morris-Russell Lake secondary plan area, all new development must adhere to specific environmental protection measures if both Morris and Russell Lakes are to be protected. The Morris Lake Watershed Management Plan made a number

of recommendations on a management framework by which to guide future development within the area. To ensure the recommendations are implemented, all new development must adhere to the following requirements.

Design and Development Controls

The design adopted for a subdivision fundamentally affects the hydrology of the site and the quality of the stormwater. Good environmental planning integrates site design and stormwater quality management into one process². If environmentally responsible watershed policies are not supported by environmentally responsible design at a subdivision and site level, the whole endeavor may ultimately well fail. The Morris Lake Watershed Management Plan recommends that all development adhere to environmental standards designed specifically to protect Morris Lake and its watershed.

ML-23 It shall be the intention of Council to encourage all new development within the Morris-Russell Lake secondary plan area to meet certain basic design objectives as follows:

- (a) to reproduce the pre-development hydrological conditions;
- (b) confine development and construction activities to the least critical areas of the site and consider clustered development to minimize land disturbance;
- (c) maintain the overall desired density of development by allocating higher densities to areas most suitable for development;
- (d) minimize changes to the existing topography; and
- (e) preserve and utilize the natural drainage system.

ML-24 It shall be the intention of Council to require all new development situated on lands zoned CDD within the Morris-Russell Lake secondary plan area to incorporate specific design standards which maximize the protection of water quality in Morris and Russell Lakes. The following shall be used as guidelines:

- (a) all lands with slopes of 15% or greater should not be developed unless additional environmental control measures are implemented to minimize the amount of erosion generated from the site;

² *Stormwater Management Practices Planning and Design Manual*, Ontario Ministry of Environment and Energy, 1994

- (b) all wetlands (as defined by the presence of characteristic wetland vegetation) should be excluded from development;
- (c) all shorelines should be protected by a 100 foot buffer zone ~~within which no vegetation or soil should be removed or altered. The~~ **except that the** width of the buffer zone may be decreased to 75 feet if, through detailed study, the topography and vegetation conditions warrant the reduction. **Within the buffer zone, no vegetation or soil shall be removed or altered unless under a management plan has been approved to provide for restoration of vegetation, shoreline access paths, view corridors, habitat management, safety and welfare or shoreline recreation where such provisions may be made without adversely affecting the primary purpose of preserving water quality in the lake. Any study or management plan submitted pursuant to this clause shall be prepared by a person qualified to make the required determinations and an approval procedure shall be established under the terms of a development agreement;**
- (d) all wetlands and watercourses should be protected with a buffer strip within which no vegetation or soil should be removed or altered **unless approved under a management plan approved pursuant to the provisions of clause (c).** For wetlands, the buffer strip should be at least 25 feet in width for wetlands less than 0.5 acres in size and 50 feet for wetlands over 0.5 acres. All streams shall have a minimum 50 foot buffer strip on each side;
- (e) the amount of impermeable surfaces created should not exceed 25% of the gross area of the proposed development. Minor increases in this figure may be considered provided the amount of proposed undisturbed land substantially exceeds the guideline described in section ML-11(f) and such undisturbed lands are incorporated into the final drainage plan;
- (f) a minimum of 25% of the natural vegetation on the site should be retained in an undisturbed state and incorporated into the final drainage plan;
- (g) ~~the amount of phosphorous entering Morris and Russell Lake through stormwater generated on the site should be reduced by approximately 40% through the use of Stormwater Best Management Practices~~ **the public, landowners, developers and the Municipality are encouraged to maximize phosphorous reduction to the fullest extent possible through the use of best management practices as recommended by the Jacques Whitford study; and**
- (h) no development shall be permitted on septic systems.

Erosion and sedimentation control is a critical element in good site design. In order to control the adverse effects of sediment (and attached phosphorus), it will be essential to strictly control

erosion. This means that development will have to be designed and implemented with erosion minimization as a primary criterion.

ML-25 Within the Morris-Russell Lake area, it shall be the intention of Council to require all developers to prepare and receive Municipal approval for an Erosion and Sediment Minimization Plan for lands zoned CDD prior to any clearing or grubbing occurring on a site, and the plan shall contain the following:

- (a) how ground disturbance will be restricted to areas where structures, roads etc. will exist when construction is complete;
- (b) indicate which vegetation will be protected, marked, and preserved through construction techniques that minimize soil compaction and damage to tree roots;
- (c) how the construction project will be phased to minimize the extent and length of soil exposure – this includes phasing by drainage area;
- (d) how the opportunity for erosion will be limited through sequencing of construction activities; and
- (e) indicate which erosion and sediment controls will be used, where they will be located, the timing of installation (before construction begins), the inclusion of drainage controls up-slope of the construction site; inspection and monitoring, and timing of removal (after the entire site has been stabilized).

Public Awareness and Education Programs

If the recommendations contained within the Morris Lake Watershed Management Study are to be successfully implemented there needs to be active involvement of both individual land owners and the general public. The involvement of the public should not just be limited to the residents of Morris-Russell Lake area but to existing developed areas within the entire Morris Lake Watershed, such as the existing development throughout Woodlawn.

ML-26 It shall be the intention of Council to establish a Public Awareness and Education program for the general public which emphasizes the protection of Morris and Russell Lakes. The programs should at least incorporate the following:

- (a) information programs for land owners on buffer zone management and the use of fertilizers;
- (b) a program for local schools;

- (c) application of an Animal Defecation By-law throughout the entire watershed area and actively enforce it;
- (d) encourage local property owners to hold "Cleanup" days for litter collection in public areas; and
- (e) establish a stormwater wetland as an educational demonstration site on the importance of protecting lakes.

Stormwater Management

As the Morris-Russell Lake area is developed, there will be a need for stormwater to be controlled to remove sediments and phosphorous. ~~Under the Morris Lake Watershed Study, a number of site specific projects are proposed to remove sediments and phosphorous from watercourses before reaching Morris Lake. In addition to using wetlands in conjunction with newly developing areas, they can also be used for remediation. In the case of Morris Lake, much of the current condition of the lake reflects existing inputs. Thus, opportunities should be sought in the entire Morris Lake Watershed to incorporate stormwater cleanup when redevelopment or reconstruction projects are undertaken.~~ **The Municipality commissioned a stormwater management plan for Morris and Russell Lakes³. The plan contained recommendations regarding structural and non-structural approaches for stormwater management and implementation strategies for both new and existing development.**

- ML-27 Any development agreement application within the Morris-Russell Lake secondary plan area shall adhere to the recommendations of the Morris Lake Stormwater Management Plan (Jacques Whitford, 2004). All government works within the Morris Lake Watershed shall also adhere to the recommendations of this plan and, where feasible, the plan recommendations shall be applied to existing development within the watershed.**
- ML-28 Within the Morris Lake Watershed, as illustrated on Map 9M, where applications are received for the expansion of existing commercial, institutional and multiple unit residential buildings, or for proposed grade alterations on such properties, it shall be the intention of Council to require the developer, where possible, to prepare and implement stormwater remediation measures to improve water quality entering the Morris Lake system.**
- ML-29 It shall be the intention of Council to undertake stormwater wetland projects in the waters of Ellenvale Run. Also, Council shall, through the CDD approval process,**

³ Jacques Whitford Environmental Ltd. & Associates. *Morris Lake Stormwater Management Plan: Final Report to Halifax Regional Municipality.* March 2004.

negotiate with applicable land owners to establish similar wetland projects at appropriate locations within the watershed.

Monitoring

The eutrophication process is gradual and takes place over many years. Its progress will be seen in the extension of vegetation in shallow areas and the seasonal occurrence of algae. In the Morris Lake Watershed Study, a Phosphorous Loading Model was used to determine the relationship of the lake phosphorous inputs to trophic status.

The Model determined that Morris Lake is currently mesotrophic and is within 10 to 15 percent of the eutrophic boundary. Thus, the amount of land developed within the watershed should be controlled to prevent Morris Lake from reaching a borderline eutrophic state. The actual amount of land that can be developed can only be determined by undertaking a well designed lake monitoring program and adopting a preset maximum permissible limit for total phosphorous. If the results indicate that Total Phosphorus continues to increase, the watershed management plan will have to be revised and development controls strengthened.

- ML-30 It shall be the intention of Council to undertake a monitoring program within Morris Lake to track the eutrophication process. The monitoring program should comprise a variety of water quality indicators, including Total Phosphorous and Dissolved Oxygen, and other chemical and aquatic flora and fauna indicators as appropriate. It shall also be the intention of Council to establish a eutrophication threshold level for the lake that would be used as a basis for reevaluating watershed management controls and future development potential within the area. The monitoring program and eutrophication threshold should be developed in consultation with the Dartmouth Lakes Advisory Board and the scientific community.
- ML-31 Pursuant to Policy ML-1725, in the event the critical eutrophication threshold level for Morris **and Russell** Lakes is reached, it shall be the intention of Council to immediately undertake a review of existing plan policies contained herein and determine an appropriate course of action respecting watershed management and future land development in the area.
- ML-32 It shall be the intention of Council to undertake a study of habitats and species within the Morris-Russell Lake area.
- ML-33 It shall be the intention of Council to conduct water sampling at Birches Park during the summer months to monitor bacteria and pollutant levels within Morris Lake.

Maintaining Water Levels on Morris Lake

The water level of Morris Lake should be maintained at a level sufficient for recreational use and to prevent development of excessive shoreline vegetation. In the near future, two possible events may take place that could negatively impact upon water levels on Morris Lake. The first is the decommissioning of Lamont and Topsail Lakes as a source of water supply and secondly, a change in the amount of water extracted from the lake by Imperial Oil.

~~Lamont and Topsail Lakes form the upper most reaches of the Morris Lake Watershed but do not discharge water into Morris Lake as it is used as a potable water supply. When both lakes are finally decommissioned, water from the two lakes will flow into Morris Lake which could affect the volume of water flowing through the Morris Lake outfall into Cow Bay River. Presently, the Halifax Regional Water Commission has hired CBCL Limited to undertake a study on the impact of decommissioning Lamont and Topsail Lakes but the study is not yet complete.~~

Presently, Imperial Oil extracts water from Morris Lake to use in its refinery, in the amount of 3.27 billion liters per year which is 20% of its total surplus of water. In the future, Imperial Oil could either increase the amount of water extracted from the lake or the plant could close and no water would be removed. If Imperial Oil removes too much water, this would promote the development of shoreline vegetation which in turn speeds up the eutrophication process in the shallow parts of the lake. If pumping were stopped, the volume of water entering Cow Bay River on an annual basis would increase by 24%. In combination with the additional flow from Lamont and Topsail Lakes, this represents a significant change in hydrology from current conditions and has long term implications for the lake level, at the outlet and Cow Bay River. The impact of these changes are not clearly understood at present. Therefore, a study should be undertaken to determine the types of impacts the above scenarios may have on Morris Lake and Cow Bay River.

- ML-34 It shall be the intention of Council, in association with Imperial Oil Limited and the Provincial Department of the Environment, to undertake a study to determine the impacts of potential changes in the volume of water extracted from Morris Lake (increase or cessation) by Imperial Oil Limited on lake water quality and the impact on the hydrology of the lake and its inflow and outflow systems.
- ML-35 It shall be the intention of Council to monitor the water level of Morris Lake to maintain it at a level sufficient for recreational use and to prevent further eutrophication of the lake.
- ML-36 It shall be the intention of Council to retain all lands in the sub-watershed of Lamont and Topsail Lakes as a conservation area in perpetuity.

ATTACHMENT III: PUBLIC INFORMATION MEETING

Thursday December 9, 2004
Bel Ayr Elementary School, Dartmouth

STAFF: Paul Morgan, Regional Planner
Austin French, Manager of Regional Planning
Maria Jacobs, Regional Planner
Kurt Pyle, Planner II
Samantha Charron, Administrative Support

MORRIS-RUSSELL LAKE PUBLIC PARTICIPATION COMMITTEE

MEMBERS: Phil Elliott, Chair
Hugh Millward, Vice Chair
Dennis Richards
Nateleen Zinck
Norman Wiechert
Mike Hanusiack
Joseph Diab

**MEMBERS OF
THE PUBLIC:** 150 estimated

An open house session was held between 6 and 7 p.m. The meeting commenced at approximately 7 p.m.

1. PAUL MORGAN, PLANNING SERVICES

Phil Elliott introduced the members of the Public Participation Committee for Morris-Russell Lake area in attendance and Councillors Bill Karsten, Becky Kent & Harry McNory. He then introduced Paul Morgan.

Paul Morgan welcomed attendees to the meeting. He introduced himself as the Planner assigned to this master planning exercise to direct future growth on lands surrounding Morris and Russell Lake watersheds in Dartmouth.

Mr. Morgan went on to explain his role in this master planning exercise to direct future growth on lands surrounding Morris and Russell-Lake watersheds which are generally bounded by the Circumferential Highway, Portland Street, Caldwell Road and watershed land on the south side of the lakes. He explained a conceptual plan has been prepared by the committee with policies

pertaining to environmental protection, development opportunities and restrictions, transportation and municipal services, financing and development phasing.

Paul Morgan went on to explain the purpose of the meeting and future public consultation forums to come. Kurt Pyle, Planner for Eastern Region was then introduced as the planner assigned to the next phase of development.

Paul Morgan through overhead presentation gave a brief overview from the inception of the Morris-Russell Lake planning.

Paul Morgan then gave a synopsis of the Morris-Russell Lake development plan as follows:

The Future Land Use and Transportation Plan, presented, provides overall guidance for land use allocation within this secondary plan area.

Transportation

The main elements of the transportation plan are summarized as follows:

- Baker Drive will be extended to new Hwy. 111 interchange as pre-condition for first phase of development. Development will then be allowed to proceed on parcels 1 to 13 provided that no road connection is made to Portland Estates West Boulevard until Caldwell Road Connector extended to Caldwell Road. A connection to Portland Estates Boulevard can be established once the Caldwell Road connection is complete.
- No further development will be permitted on other parcels until the Caldwell Road Connector is extended to Caldwell Road unless a traffic study can demonstrate that traffic levels on Caldwell Road and Portland Street can be maintained within performance guidelines established by the Municipality.
- The Municipality will prepare a transit routing plan and undertake traffic studies pertaining to shortcutting through residential neighborhoods and improving traffic movements on streets in vicinity of Portland Streets. Plans and studies to be completed and implemented prior to completion of new interchange and Baker Drive connection.
- A multi-purpose trail system will be developed to connect the Morris - Russell Lake community with the Woodside Ferry Terminal and the Trans-Canada trail system.

Paul Morgan provided a physical description of the master plan land use as follows:

The following guidelines will be applied to land uses in future development agreement applications:

Parcel 1: This parcel may be developed with an apartment building not exceeding 84 dwelling units or four stories in height and a commercial building not exceeding 14,000 square feet. Commercial occupancies shall be restricted to local commercial uses, as defined by the Land Use By-law, except that drive through restaurants shall not be permitted. The site design shall give consideration to environmental and aesthetic impacts, as well as the safety and efficiency of traffic movements between the site and Baker Drive. Impervious surfaces shall not exceed 40 percent of the lot;

Parcel 2: This property may be developed for both multiple-unit buildings not exceeding six habitable floors above underground parking, townhouses or a combination thereof. Provisions shall be made to ensure adequate landscaping, an architectural design that is visually interesting and compatible with the surrounding natural environment, on-site circulation and private amenity spaces. Most of the land along the shoreline shall be maintained in a natural state in accordance with applicable municipal policies;

Parcel 3: This property may be developed for a variety of higher-density developments including but not limited to multiple-unit buildings, seniors accommodations, and townhouses. Multiple unit buildings shall adhere to the same height restrictions imposed on Parcel 2;

Commercial uses which serve the broader communities around Morris and Russell Lake shall be permitted. Except for retail food stores, the size of any single commercial use (store or business) shall not exceed 25,000 square feet of floor area. Car dealerships or other outdoor display courts shall not be permitted;

Parcel 4: On the west side of Baker Drive, this parcel serves to convey storm water flows originating from the west side of the Circumferential Highway. The area has been expanded to include additional lands that will be used to control and treat post-development storm water. The area will be conveyed to the Municipality upon completion and acceptance of approved storm water management systems;

Parcel 4A: A small watercourse is found on these lands which conveys storm water from parcel 4 through to a larger brook to the east of the NSPI power line right-of-way. The area has been expanded to provide for active park facilities. The design of the park shall be confirmed by development agreement and shall have frontage on both Baker Drive extension and the minor collector road. This area shall also serve as a separation between the commercial uses within Parcel 6 and the residential uses contained within Parcel 5;

Parcel 5: A mix of single-unit, semi-detached, townhouses, and multiple-unit dwellings will be permitted. Multiple-unit buildings shall be restricted to lands abutting Baker Drive and any such buildings shall not exceed four floors of habitable space above underground parking. Due to areas of steep topography, careful design of the local streets network and land uses is required to minimize terrain disturbance and protect Russell lake;

Local commercial uses, as defined by the Land Use By-law, may also be permitted on properties abutting Baker Drive Extension and the proposed local collector road. Such uses shall be limited to a total of 20,000 sq. ft. of floor area at any one location. Only one such location shall be permitted along Baker Drive and the local collector road. Sites shall be selected which offer strong opportunities for pedestrian access from surrounding residential neighborhoods;

Parcel 6: Major commercial and high-density residential developments shall be encouraged over these lands. Consideration shall be given to providing safe and efficient access between developments and the transportation system for private vehicles, public transit, cyclists and pedestrians. Consideration will also be given to architectural design, landscaping measures, signage, lighting and environmental protection measures needed to produce an attractive and safe environment for a mixed use development that might be considered a gateway to the community. Clause (e) of policy ML-23 shall not be applied to this parcel but any federal restrictions or guidelines imposed to protect the Department of National Defense Shearwater Air Base shall be adhered to As this area is within close proximity to;

Parcel 7: A mixture of residential developments shall be supported provided that higher density development is located adjacent to the Mount Hope Avenue extension but no driveway access is permitted to this road;

Parcel 8: This parcel is reserved for a school site until the greater of 500 residential units have been constructed along the west side of Russell Lake or once five years have past from the date of approval of this Secondary Planning Strategy by Regional Council. As an alternative to a school site, the parcel may be developed for either medium or high-density residential developments to a density not exceeding 15 units per acre and five habitable floors above underground parking;

Parcel 9: This parcel is reserved for local commercial uses but no driveway access shall be permitted to Mount Hope Avenue. Consideration shall be given to architectural design, landscaping measures, signage and site access so as to achieve an attractive development within a suburban context which can be safely accessed by motorists, cyclists and pedestrians;

Parcels 10 and 11: The areas most adjacent to the established residential neighborhoods of Portland Estates shall be limited to single-unit dwellings. Areas closer to the Parcel 9 and Parcel 12 may be considered for a wider variety of residential uses. Steep slopes adjacent to Russell Lake shall not be developed;

Parcel 12: This parcel has a relatively flat terrain with little or no standing timber. Its proximity to the major transportation corridors and residential areas suggests that the parcel would be ideally suited for major recreation uses. Any use of this property, however, may be contingent upon future operational needs of CFB Shearwater;

Parcel 13: Due to the poorly drained soils and proximity to Morris Lake, this area is reserved for passive open-space purposes;

Parcels 20, 21 and 22: These parcels house an oil refinery operation with activities predominantly located on parcel 20. Parcels 21 and 22 remain undeveloped with the exception of a water main and pumping station which draws water from Morris Lake for use in the refinery operations. With the exception of the proposed Mount Hope Avenue extension, Parcels 21 and 22 shall be retained as a natural buffer from the refinery operation unless an environmental suitability study is undertaken;

Parcels PH4 and PH5: These parcels may be developed with a mixture of residential uses consistent with the established pattern of development elsewhere throughout the Portland Hills master plan area;

Parcels 18, MLE-1 and MLE-2: These parcels may be developed with a mixture of residential uses. Consideration is to be given to the steep grades over these lands when siting roads and development;

Parcel 25: This property is owned by the First Nations Millbrook Band which is not subject to municipal regulations. In preparing any future development plans for these lands, the Municipality will encourage the Band to take into consideration the surrounding environment as envisioned by this secondary planning strategy. The CDD (Comprehensive Development District) Zone shall be applied to these lands;

Parcel 24: A number of existing single unit dwellings are located on these lands. The R-1 (Single Unit Dwelling) Zone shall be applied to reflect these uses. No provisions for alternative uses shall be made;

Parcel 23: This parcel is owned by Kiwanis Club and is being developed for various recreational uses. A community centre is also proposed. The R-1 zone will be applied to this property which permits open space uses. Due to various site constraints, development of a community centre may only be considered by development agreement. Consideration will be given to the adequacy of central sewer and water services, potential for flooding, and the safety of driveway access;

Parcels 16 and 17: Development of these parcels will be restricted to single family dwellings due to the environmental sensitivity of these lands.

Environmental Protection

- Central sewer and water mandatory for all new development

- Municipality directed to monitor sewage flows and lake quality and establish a public awareness and education program
- Target 40% reduction in phosphorous entering lakes
- Approval of erosion & sedimentation plans and storm water management plans required for all new developments
- 100 ft. buffer zones around all lakes, 50 ft. buffers around streams and wetlands over 0.5 acres, 25 ft. buffer for smaller wetlands
- Approval of management plan for any disturbance within buffers

2. QUESTIONS AND COMMENTS

Ivano Andriani (Bayswater Road) questioned why the interchange would be in the first stage of development if there is no purchase and sale agreement for Shearwater lands?

Paul Morgan explains this has been the intention for many years and the federal government is fully aware of the municipality's future plans for the interchange and lands needed to complete the connector. He feels strongly they have an agreement in good faith.

Ivano Andriani (Bayswater Road) asked, why such a considerable amount of tax dollars would be spent on an interchange that may never be utilized to it's full potential or ever pay for itself? It just doesn't make any sense to go ahead with the interchange before the Shearwater land is guaranteed.

Paul Morgan stated the federal funding is available now, Halifax Regional Municipality needs to take advantage of the opportunity to move forward while it is being offered. The municipality is working on a land agreement.

Ivano Andriani (Bayswater Road) referenced a comment Mr. Morgan made in his opening presentation of a study done, recognizing Morris-Russell Lake area as the second lowest cost site for future development. Mr. Andriani asked if the study included the land in question located at Shearwater Airport?

Paul Morgan replied the study did include the Shearwater land.

Dave Reage (Brookfield Ave) supported the traffic and transportation studies but was concerned bicycle lanes may not be considered at the design stage, he would like the request to be placed on the record.

Paul Morgan indicated bicycle lanes will be considered before construction and reassured Mr. Reage the bicycle lane issue has also been recommended by the committee members. Mr. Morgan went on to describe a draft trails plan for the entire area, including connections to the Trans-Canada trail's system to accommodate commuters.

An unidentified speaker asked what the outcome would be for the trails connection if the land at Shearwater was not obtained?

Paul Morgan indicated there is a small risk the land needed to complete the future plans may not be available in the end.

Shalom Mandaville (Soil & Water Conservation Society) gave a brief presentation on behalf of the Soil & Water Conservation Society of Metro Halifax. Mr. Mandaville stated the society has conducted chemical as well as biological limnology studies of Lakes Morris and Russell among a total of approximately one thousand (1,000) lakes/ponds all over HRM. Hence I am disappointed that Mr. Paul Morgan failed to mention us in the introduction he made on various stakeholders and that was perhaps he was unaware of the facts. It was indeed some of our data that HRM's consultants, Griffiths Muecke & Associates, utilised for their study in 1998. We feel they made significant errors in interpreting our data.

The 2003 Jacques Whitford study that I have in my possession was also quite critical of the conclusions of Griffiths Muecke; for example, see page 81, second paragraph where they state, "An accurate phosphorus budget was not prepared for Morris Lake; therefore, a 40% minimal limit is not likely to suffice because the majority of the phosphorus loading appears to be from the dissolved portion which is not trapped by capturing a portion of the total suspended solids". I have also issued supporting scientific data and info to Dr. Tony Blouin, Mr. Morgan's colleague, over several years.

Recently the Canadian Council of the Ministers of the Environment (CCME) adopted national guidelines for phosphorus management in February 2004. Although these guidelines are relatively recent, nevertheless, the science in it has been familiar to genuine limnologists from as long back as the late 1970s. It is unfortunate that neither the Griffiths Muecke study nor the Jacques Whitford study incorporated that science. Basically what the CCME states is not to allow phosphorus values in lakes to increase more than fifty percent (50%) over baseline (reference) levels.

My predictive modelling for Lakes Morris and Russell yielded, if my memory serves right, a value of approximately three (3) micrograms/litre for both of those lakes. That means, the maximum acceptable phosphorus values in the two lakes should be 4.5 micrograms/litre. Those values have been exceeded decades ago, but based on the CCME Policy as well, no further degradation should occur.

In addition, I want to inform you all about a very exciting research project that is ongoing in Nova Scotia right now; this is the third year of a five-year paleolimnology project funded under a \$600,000 NSERC (Natural Sciences and Engineering Research Council of Canada) grant to professors at Queens University and to another professor in Ontario, named Pete Dillon. I am a partner in their project and on their request, I selected five lakes in HRM, Morris, Russell, Papermill, Kearney, and Governor and this is the first time that such a project has ever been carried out here and basically it is like travelling in a time machine and sampling some water quality parameters back in pre-industrial, namely the 1850s. I am very excited about it and their project spanning the entire Province of Nova Scotia has never been carried out to date in the history of our Province. I will keep posting updates on it in our web pages, it should be very exciting”.

Paul Morgan thanked Mr. Mandaville for his comments and they would be taken into consideration when adopting proposed policies.

Nancy Witherspoon member of the Portland Estates Residents Association (Diana Grace Ave) remarked how impressed she was with the planning and preparation there seems to have gone into the residential and commercial projects. She is very disappointed however with the lack of planning for wildlife, natural habitat, nesting and feeding grounds. Mrs. Witherspoon would like to have a request for wildlife corridors to be considered by planning on record.

Paul Morgan indicated the issue would be raised to the committee for consideration.

Tim Olive (Old Ferry Road) stated his involvement with the Morris-Russell Lake planning dating back to 1999. Mr. Olive agrees with the development planning of the interchange and connector Roads. Although he would like to see a guaranteed time line for the completion of each stage, namely the interchange.

Paul Morgan indicated the estimated time line for the completion of the interchange is two years, the fall of 2006.

Tim Olive (Old Ferry Rd) asked what the plans were for the added commuters from new development in the area for the next two years? Also will the new residents be added to the already apparent traffic flow problem on Portland Street?

Paul Morgan replied that measures would be taken to direct traffic from new development to the new interchange. While the interchange was being constructed, the Municipality would also be undertaking traffic studies to determine how to improve traffic flows on Portland Street and the surrounding road networks and, in particular, how to encourage existing residents of Portland Estates to use the new interchange.

Tim Olive (Old Ferry Rd) asked will there be an extension to Baker Dr on-ramp in case the interchange is not complete in time?

Mike Hanusiak, Public Participation Committee Member for Morris-Russell Lake also Senior Planner for Clayton Developments replied the intentions of Clayton Developments is to have the interchange and the extension of Baker Dr completed within the same time frame. Mr. Hanusiak indicated all parties involved in the interchange project would like to see it move forward.

Tim Olive (Old Ferry Rd) expressed support for the interchange project so long as the Portland St traffic is not effected. He further asked whether there will be a road connection between Portland Estates West Blvd and Baker Drive?

Paul Morgan indicated there will be no direct connection from Portland Street, Portland Blvd East or West to Baker Dr. Mr. Morgan commented Clayton Developments has taken into consideration the concerns about shortcutting. They have hired a traffic consultant to investigate this issue and has determined that the traffic on Portland St they feel should decrease.

Judy Webber (Brompton Rd) concerned about the buffer zone for Brompton Road. She asked if Mr. Morgan could tell her the size of the buffer zone intended for that area and if there would be a parkland considered?

Paul Morgan indicated there is no decision for the size of the buffer zone for that area and made reference to a scheduled public information meeting for January 17, 2005 to discuss an application by Clayton Developments to enter into a comprehensive development agreement to permit the construction of a mixed residential/commercial development on the west side of Russell Lake.

Kurt Pyle replied to Ms Webber by introducing himself as the planner assigned to the next phase of development and encouraged Ms. Webber to attend the meeting on Jan 17, 2005 and provide him at that time with any suggestions or comments on compatibility concerns with the new development and the existing neighbourhood.

Bryan Elson (Diana Grace Ave) asked which lakes were included in the water quality monitoring? Then requested to have all lakes, including Morris and Russell Lakes, monitored in the future.

Paul Morgan indicated only Russell Lake was monitored and would like to see all lakes included in the monitoring program as well. Mr Morgan stated it should be considered under the proposed master plan.

Dave Reage (Brookfield Ave) asked who approves the master plan?

Paul Morgan explained that Regional Council approves policy changes while Community Councils approve development agreements.

Dave Reage (Brookfield Ave) asked if the earlier suggested connection by Mr. Olive from Portland Estates West Blvd. to Baker Dr. could be a possibility?

Paul Morgan indicated again the risk of the interchange extension not to go through is very minimal but whatever the outcome, there will be no direct connection to Baker Drive until the entire collector road is completed. Mr. Morgan indicated all parties involved, including Shearwater, fully understand the desired outcome of the municipality to have the entire road network completed.

Phil Elliott, Morris-Russell Lake Public Participation Committee Chair stated regardless of the Shearwater land issue, diverting the traffic is not a long term solution. The federal funding is available now, it may not be there if we do not seize the opportunity. Also indicated if the interchange is not built the problem will not go away.

Councillor Bill Karsten requested the opportunity to address the question regarding the decision to spend tax dollars on something that may never be utilized or completed. He indicated council felt it necessary to seize the opportunity to receive the federal funding while it is available and not postpone a project that would eventually be needed and leave the municipality in the predicament of no federal funding available.

Marilyn More, MLA remarked as a member of the Dartmouth Save Our Lakes Coalition, I have learned that waterway's protection standards leave room for improvement both within the municipality and the province. I understand that both Halifax Regional Municipality and the province are considering higher standards. Will the developers involved with the proposals being discussed this evening be required to upgrade their lake protection standards when the regional and provincial upgrading is adopted? Or will they be grand-fathered in and have to only meet the protection measures mentioned in the presentation, example: buffer zones?

Paul Morgan indicated Halifax Regional Municipality is trying to adopt the highest standards for our Municipality, this is being done through the assistance of consultants. He noted that, when the older sections of Portland Estates were being developed, Morris Lake turned quite brown from the soils being washed into it. He said that the situation is clearly improved with the measures being taken to protect the lake in recent years.

Mr. Morgan went on to explain Clayton Developments works closely with the Department of Environment to make the best effort possible to protect the lakes and pointed out the buffer zone proposed in the master plan is larger than is required by the province.

Dr. Hugh Millward, Public Participation Committee Member indicated that Morris-Russell Lake is the first to require 100' buffer zone on lakes which exceeds anything within Halifax Regional Municipality. Dr. Millward also stated the importance of 50% of the shore land being publicly owned.

Marilyn More, MLA requested details of the stormwater systems plan also the origin of the information?

Paul Morgan indicated the information came from a stormwater management plan prepared for the Municipality by Jacques Whitford.

Nancy Witherspoon (Diana Grace Ave) indicated that the ongoing developments around Morris Lake have not been properly shielded from the rain and has caused silt and run off into the lake. Ms. Witherspoon is very disappointed to see ten years of hard work and dedication by the Portland Estates Residents Association (PERA) being ignored. Ms. Witherspoon also stated the Departments of Environment and St. Mary's will be conducting their own lake water monitoring study beginning in the spring of 2005.

Ms. MacDonald (Waynewood Dr) asked if two routes through Shearwater are being considered for the connection to the interchange?

Paul Morgan indicated the runway route is the more favourable of the two due to the proximity of the alternative route to the lake.

Ms. MacDonald (Waynewood Dr) disagrees with the runway being used as the connector and does not feel the municipality should be parting with its only runway access.

Henry Charest (Portland Estates Blvd) commented he feels Blocks 8 and 12 should be zoned only residential. He would also request Block 9 only be for single family dwellings.

Ken Evans (Waynewood Ave) asked if there is a possibility of a left turning lane onto the Highway 111?

Paul Morgan indicated during the first phase of construction traffic control will examine this issue.

Shawn Daniel asked why a resident of Portland West would entertain the idea of traffic flow through their area? Making reference to the future transit routes and traffic plans. He wanted to know if established residents views and suggestions will have special consideration. Mr. Daniel also feels the buffer zone proposed is laughable, and suggests the last section of Portland Hills developed looks barren. The only thing left are homes and sidewalks.

Pierre Dugday (Portland Hills Dr) asked what the future plans for Portland Hill Dr. are? He also requested the traffic studies conducted be available to the public.

Paul Morgan indicated Portland Hills Dr. is designated as a minor collector. He stated the traffic and transit studies should be complete by 2006 and will be available to the public.

An unknown speaker expressed her lack of enthusiasm for transit routes being considered for Portland Hills Dr.

Evangeline Dugday (Portland St) asked Mr. Morgan how planning intended on dealing with residents concerns regarding narrow streets and children's safety?

Paul Morgan indicated that the Municipality had worked with the public participation committee in preparing a transportation plan that protected the interests of the community. The Municipality is committed to undertaking further studies and implementing them before the new interchange and Baker Drive extension are completed.

Hugh Millward, Public Participation Committee Morris-Russell Lake member added to Mr. Morgans explanation by indicating the plans for Portland Hills Dr. has been ongoing for approximately five years and the area surrounding Portland Hills Dr. is by far large enough to require a collector road. Transit plans for Portland Hills Drive are not new. Transit has been part of the future development plan from the beginning. If your real estate agent led you to believe there would be no traffic flow or transit routes travelling along your street, they unfortunately misinformed you.

Nancy Witherspoon (Diana Grace Ave) supported the future transit plans for the area, stating she uses transit daily and feels there are plenty of residents in the immediate area who would benefit.

Marilyn MacEachern (Portland Hills West) also supports the transit routes and believes Metro Transit and Planning Services are adequately looking toward the future of a fast-growing community.

Mike Hanusiak, Senior Planner for Clayton Developments, reiterated the importance of accepting the federal governments decision to fund a portion of the interchange project while the money was available to the municipality. Mr Hanusiak indicated council was recently requested to provide a list of 45 to 50 items, the municipality considers the interchange be the top priority issue requiring action. Mr. Hanusiak continued by encouraging the public to show their support for the interchange.

Evelyn MacMullen (Portland Estates Blvd) asked Mr. Morgan to clarify the location of the connector and the interchange and explain the purpose of both?

Paul Morgan described the proposed location of the connector road and interchange through the use of an overhead. The purpose of both items is to reduce traffic loads on both Caldwell Road and Portland Street.

Evelyn MacMullen (Portland Estates Blvd) asked the future traffic plans for Caldwell Rd?

Paul Morgan indicated Caldwell Road is designated as a minor collector for the future.

Paul Berry (Livingstone Place) asked if there is a possibility of a four lane expansion for Caldwell Rd to relieve some of the traffic congestion? Mr. Berry also requested Mr. Morgan to explain the difference between a minor collector and a major collector? Mr. Berry continued by commenting on the traffic mess created by the recent development on Caldwell Road and Portland Street and hopes the future plans will not contribute to more inconveniences.

Paul Morgan addressed Mr. Berry's first question by ensuring him there are no plans to expand Caldwell Road. He continued by explaining the design standards for a minor collector.

An unknown speaker indicated they would like to see some type of traffic control in place before new construction begins

Paul Morgan replied that the Municipality is committed to undertaking further studies and implementing the recommendations prior to completion of the interchange and Baker Drive extension.

Numerous residents thanked the planning team and Clayton Developments for the presentation

Paul Morgan adjourned the meeting and indicated if anyone requested clarification on anything discussed this evening they could contact him with any questions or concerns (contact information could be found at the bottom of the hand outs).

3. ADJOURNMENT

The meeting adjourned at approximately 9 p.m.

From: <Robert.Boehner
To: <morganp@halifax.ca>
Date: 12/9/04 2:01pm
Subject: HRH Master Plan - Morris - Russell Lake Area

Good afternoon Paul

While I will be unable to attend tonight's open house and concept discussion, I would like to comment on several concerns with the master plan as it is currently outlined in your letter dated November 19, 2004.

First, the plan woefully under estimates the need for "single family" dwellings. All prime real estate within 1 kilometre of both Morris & Russell Lakes not now occupied should be zoned for single family dwellings.

Secondly, all semi/multiple townhouses, and other high density residential properties should be located in a more convenient location near the circumferential highway. The higher density housing must have easy access (shortest distance) to the circumferential highway to reduce the current flow of traffic throughout Portland Estates.

Finally, all profits from large scale urban development must be returned to the HRH to reduce existing tax burdens. Don't be afraid to oppose the "slick talk" of wealthy developers; their primary objective is increasing their own personal wealth and they show little interest in helping existing residents to retain reasonable property values, reducing the traffic flow, and addressing the other concerns of those who currently reside in the Portland Estates area.

Be different; please listen to, and act of the views of existing residents

...

Thanks
Robert Boehner
Rosewood Court
Portland Estates West

Imperial Oil
Products and Chemicals Division
P. O. Box 1001
Dartmouth, Nova Scotia
Canada B2Y 3Z7

Brian M. Fairley
Refinery Manager

Tel. (902) 420 7200
Fax. (902) 420 7296

December 20, 2004

Transmit via fax: 902 490 5730

Mr. Paul Morgan, Regional Planner
Halifax Regional Municipality
PO Box 1749
Halifax, Nova Scotia
B3J 3A5

Paul:


Please find attached a copy of the 1999 letter we discussed on Friday, December 17, 2004, concerning the development of the Russell Lake and Morris Lake master plan.

In this letter, Imperial Oil indicated its concerns with a development in close proximity to our property. Today, these concerns are still valid and maybe understated, as homeowners are less tolerant of industry impacting their lives.

Imperial Oil also has concerns with the changes from the adopted Morris and Russell Lake master plan for 2001. These changes have not been reviewed by the area landowners and specifically the interchange being moved will impact other parts of our site.

I look forward to being able to work this issue with you so that appropriate development can be managed.

Yours truly,



Brian Fairley
Refinery Manager



Imperial Oil

Imperial Oil
Products and Chemicals Division
Dartmouth, Nova Scotia
Canada B2Y 3Z7

W. E. Stoner
Refinery Manager

Tel. (902) 420 7200
Fax. (902) 420 7296

Mr. Stephen Feist, Planner II
Halifax Regional Municipality
Planning Services - Alderney Gate Office
P.O. Box 1749, 2nd Floor, 40 Alderney Gate
Halifax, Nova Scotia
B3J 3A5

May 10, 1999

Mr. Roger Wells, Planner III
Halifax Regional Municipality
Community Services, Planning Applications
636 Sackville Drive
Lower Sackville,
B4C 2S3

**Subject: Impact on Imperial Oil, Dartmouth Refinery Resulting from HRM
Morris and Russell Lake Masterplan Development**

Dear, Stephen and Roger

We were very pleased to have met with you and other members of the planning staff on Wednesday, April 14th to begin discussion on the Morris and Russell Lake Masterplan Development. As indicated in the meeting, we have very serious concerns about the impact of potential expropriation and rezoning of Imperial Oil property. These concerns are described below.

1. Maintenance of Safe Perimeter / Buffer Zone: This margin is required to meet current risk management practices designed to minimize the probability of undesirable effects on the community resulting from potential emergency events from refinery operations. An emergency may be the result of a process upset or natural disaster and could include fire, explosions or unplanned releases of hazardous materials.

Research has shown that communities throughout Canada have demonstrated increasingly greater expectations for their living and working conditions. To this end, it is in the best interest of the community and refinery to maintain a property margin to buffer the effect of esthetic concerns including noise, lights and occasional odour associated with the normal daily operation of the refinery. This potential nuisance factor is well recognized. A study conducted by the Ontario Ministry of the Environment

concluded, "a buffer zone of 3 km would represent on average between 70 to 80 percent of complaints around heavy industry which is a reasonable level of protection".

Acceptance of new housing and other sensitive activities in close proximity to potentially hazardous installations would jeopardize future refinery expansion possibilities and deter any new industrial development given today's risk management practices. Encroachment could therefore compromise the value of remaining Imperial Oil property.

The Major Industrial Accidents Council of Canada (MIACC), addresses this issue which is discussed in their publication entitled *Risk Assessment Guidelines for Municipalities and Industry* (copy attached). Prior to decision making on zoning and roadway planning, we would want to offer our input based on the results of an assessment consistent with these guidelines.

2. Morris Lake Fresh Water Use: Morris Lake is currently the source of fresh water used for refinery steam production. Our pump house on the western shore of Morris Lake delivers water via pipeline to the Utility Plant located within refinery operations. Utility steam production is essential to refinery operation.

The quality of water from the lake following residential development around the shoreline is of concern. Refinery boiler water is currently treated prior to use to meet stringent specifications. Any deterioration in water quality due to increased contamination resulting from increased activity or use of fertilizers for example would necessitate more aggressive treatment requiring upgrades to existing facilities. As a result, higher treatment expense would add to refinery operating costs.

If our ability to draw water from Morris Lake was limited or lost, substantial cost would be incurred to secure an alternate supply. The existing fresh water main (Pleasant St.) does not have sufficient capacity to meet refinery needs. Water from the lake is also used to maintain levels in the firewater reservoir, which would serve the tank farm in the event of fire. Construction of facilities to secure an alternate source of suitable fresh water would cost an estimated \$15M+.

3. Site Risk Assessment and Remediation: Dartmouth Refinery currently has an active NSDOE approved clean and hazardous landfill operation on its eastern property potentially affected by the HRM Masterplan. There is also another landfill site, which was used in the 1940s, 50s, and 60s. It is probable that there are other areas, which have been impacted during the course of refining operations that commenced in 1917. An intrusive site risk assessment using a matrix of groundwater wells, bore holes and extensive chemical analysis would be necessary following any changes to the current refinery property boundaries to assess soil and groundwater conditions.

Assessment costs would be associated with the cost of expropriation and depending on the findings and the scope of proposed boundary line changes, an extensive and very costly site remediation program may be required.

4. Dartmouth Landfarm Operations: Land approved for possible rezoning within the Masterplan Area includes Dartmouth Refinery's current landfarming operations. The landfarm, operated under permit by the NSDOE, is used to biologically treat spent bio-sludge from the refinery wastewater treatment plant and oily API separator sludge. The ability to safely dispose and treat these materials on-site is an important asset. Without it, the sludges and oily wastes would have to be shipped off-site to an approved waste handler capable of treating this material. Using an off-site approved waste handler to dispose of the sludge would cost an estimated \$1.25M annually.

In addition, discontinuation of the landfarming operation would require development of a closure plan approved by the NSDOE. This would include physical modifications and an ongoing soil and groundwater monitoring program. Site closure with necessary modifications could cost an additional \$1M to \$2M.

5. Site Security: With increased traffic and ease of access to areas immediately adjacent to our operations, site security would have to be enhanced to ensure public safety and protection of refinery assets. These changes would necessitate added fencing, gates with controlled access, lighting and increased roving security personnel. The estimated cost of these changes is \$480K plus an additional annual expense of about \$50K for security and maintenance.

A survey outlining the Imperial Oil property boundary is also attached for your files as requested.

In summary, the encroachment of residential and other sensitive activities could have an ongoing adverse impact on the viability of Dartmouth Refinery, which contributes \$50 to \$60M to the local economy annually. We hope the above discussion has helped you to understand more clearly our genuine concerns. We are looking forward to working with you and your colleagues in helping HRM to make informed planning decisions that will ultimately benefit the community and Dartmouth Refinery.

Sincerely,

W. E. Stoner

W.E. Stoner
Refinery Manager