

2. PROJECT 01341: COST OF SERVICING STUDY AND REQUESTS TO INITIATE SECONDARY PLANNING STRATEGIES (COMMUNITY PLAN AMENDMENT REQUESTS)

- A Supplementary Staff Report dated June 10, 2010 was before the Committee.

Written submissions, received from the following persons, were before the Committee for consideration: Mr. Dusan Soudek, Director of Environment, Canoe Kayak Nova Scotia and Mr. Andrew Younger, MLA Dartmouth East.

Mr. Morley, referencing the speaker's list of June 23rd, called Mr. Tom Swanson forward as the first Presenter.

2.1 Delegations

(I) Mr. Tom Swanson, representing the Port Wallis landowners.

Mr. Swanson referenced Section 9.1.7 of the Municipal Planning Strategy regarding how HRM was to deal with the development community fairly and timely. The Regional Council motion of December 2004 indicated that as soon as the North Dartmouth Trunk Sewer was upgraded they would be permitted to proceed with the Secondary Planning Strategy (SPS) studies. The May 3, 2007 unanimous motion of the Harbour East Community Council had requested that staff commence the process for a SPS study for the Port Wallis area; yet staff are proposing multi-year delays.

The Supplementary Staff report before the Committee today indicates land available yet virtually all land available is in the Caldwell Road/Eastern Passage area. There is a shortage of lots available in Dartmouth. He noted that he frequently receives requests from people for lots in Dartmouth including unserviced lots on the outskirts. The Port Wallis lands are adjacent to the Burnside Business Park, Dartmouth Crossing, Shubenacadie Canal Park, a recreation area, a Francophone school and a 100 series highway.

In regard to infrastructure costs for developing the Port Wallis area, CBCL's costs were 2.5 times higher. Terrain Group has submitted a letter, that is included in the staff report, addressing the inappropriateness of those costs. The Nova Scotia Department of Transportation and Infrastructure Renewal (DTIR) is responsible for building 100 series highways and interchanges. HRM is responsible for upgrading or creating new access from their lands to a 100 series highway/interchange. HRM Staff added \$14 million to the Port Wallis cost to build an interchange that is not, according to the DTIR,

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the Developer's responsibility.

At a March 29th meeting with Port Wallis residents, HRM Staff advised that consideration of expanding the Eastern Passage Sewage Treatment Plant was not intended to include the Caldwell Road area. On June 17th HRM staff advised that if they could obtain a right of way for the Caldwell Road connector across DND land, expansion of the service boundary may be considered to serve more land in Eastern Passage. If this occurs, there may not be a requirement for the development of the Port Wallis lands for another ten to twenty years. No indication was given in regard to the cost to develop land east of Port Wallis. Even if those lands were developed at this time, it would not relieve the housing shortage in Dartmouth East as it would take about five years to develop. It would also not address the shortage in the area where most people wish to reside. There is competition for land with the approval of the Secondary Planning for 1600 acres in Bedford West with hundreds of acres of vacant land in the Paper Mill Lake area and Bedford South ready for development.

On behalf of the Port Wallis land holders, Mr. Swanson requested that the Regional Plan Advisory Committee consider the principles of the Municipal Planning Strategy in the Regional Plan and request that Regional Council approve the Secondary Planning Strategy study for the Port Wallis area in order to contribute to affordable housing, and; that they request Council to direct staff to prioritize the Halifax Wastewater Functional Study for Port Wallis.

In response to a question by Councillor McCluskey on what action had been taken on the May 3, 2007 Harbour East Community Council motion to initiate the Port Wallis Secondary Planning Strategy, Mr. Paul Morgan, Planner, advised that an Information Report had been prepared for the Harbour East Community Council.

In response to a question by Mr. Paul Pettipas as to whether the Port Wallis area would be in the pecking order for when the Secondary Planning Strategies/Wastewater Functional Plans would be done, Mr. Roger Wells, Supervisor, Regional and Community Development, advised that there were four planning areas originally discussed by Regional Council as follows: Morris Russell Lake, Bedford West, Bedford South and Port Wallis. Three have been implemented and now staff are in the phase of considering Port Wallis. In October 2007 there was a Request for Proposal (RFP) in regard to a Cost of Servicing Study which Regional Council had initiated.

Mr. Morley advised that the Legislative Assistant would research and circulate the chronology of action from the May 3, 2007 Harbour East Community Council motion to the Committee.

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In response to a question by Councillor McCluskey on what the actual land area available for development was and whether it included Shearwater, Mr. Morgan explained that the Supplementary Report outlined the high and low housing estimates. For Morris Russell Lake, the low estimate was 232 acres and the high at 304; the 304 was the difference if DND lands were transferred. Mr. Morgan explained that most of the available land is in the Morris Russell Lake area and includes undeveloped lands on the Caldwell Road area but not the Port Wallis area.

Mr. Floyd Dykeman entered the meeting at 2:30 p.m.

Mr. Pettipas requested clarification on the costing for 100 series highways as it had always been his understanding that it was the responsibility of the province. Information has been presented that has created confusion as to who would be responsible.

Mr. Swanson, explained that the Department of Transportation and Infrastructure Renewal (DTIR) had explained to him that if the interchange was necessary it would be totally the responsibility of the province; however, if the interchange were requested prior to the province's plans, the cost could be shared and the province would consider the interchange. If the interchange were solely for the benefit of the development or HRM, the province would not cover the cost. He explained that he had asked the provincial DTIR who would build the Forest Hills Drive interchange and their response was that the province would unless someone offered to cost share to move it up on the province's study. He also inquired as to the Mount Hope and Bedford South interchanges and was advised by the province that those interchanges were not integral to the highway system nor the responsibility of the province. Land has been acquired and the interchange is in their ten year plans but that could change if traffic builds up in another area or the province's priorities change.

Ms. Margo Grant expressed concern that the Port Wallis area land owners may have misunderstood that they could apply for a Secondary Planning Strategy, however, now believe, and expect, that they may proceed with the Secondary Planning Strategy. Ms. Grant also commented that constant reference to a shortage of new building lots is made, however; that does not take into account the existing real estate market. There is a shortage of building lots for new houses but not a shortage of housing.

MOVED by Councillor Hendsbee, seconded by Mr. Pettipas that the Regional Plan Advisory Committee request a Supplementary Report outlining the cost of interchanges and the funding allocation for those interchanges recently built throughout the municipality such as the Mount Hope, Dartmouth Crossing, Larry Uteck, Duke Street extension in Sackville, and the proposed Margesson Drive

interchange in Middle Sackville as each of those interchanges/extensions had a significant impact on development. MOTION PUT AND PASSED.

Councillor McCluskey requested clarification on what other lands were available for development in Dartmouth. She noted that there did not appear to be anything available in this area of Dartmouth (Port Wallis) and people had to be given a choice like people have in Bedford and other areas.

Councillor Lund, Ms. Cheryl Newcombe and Mr. Pettipas requested clarification for the next meeting on the totals in the tables contained in the Supplementary Report as the information does not flow from one page to the next as the totals for Herring Cove flow to the Eastern Region on the next page.

Mr. Morley requested clarification for the next meeting in regard to exactly what lands were available and what the location was for those lands.

Mr. Swanson noted that 195 of the 232 acres of land for the Morris Russell Lake area are pending completion of the Caldwell Road connector, therefore; that land should not be considered developable land at this time as it is highly unlikely to be achieved.

Mr. Pettipas requested that Mr. Swanson forward a break out of the land available/not available to the Committee. He emphasized that the Committee required clarification on the interchanges and whose responsibility they were as well as clarification on the land available for development now or within the next five years. He noted that even the area Councillor was having difficulty with the facts being presented as the information kept changing.

Mr. Morgan agreed to meet with Mr. Swanson to review the most recent numbers.

Mr. Morley concurred that it was important for the Committee to have concise information on these matters. He then called for the next speaker, Mr. Allan Rodgers to come forward at this time.

2.1 (II) Mr. Allan Rodgers, private resident not representing any group.

Mr. Rodgers presented a slide show of the Birch Cove Lake, Susie Lake and Quarry Lake areas with photos by Mr. Erwin Barrett taken during various seasons. He explained that he has traveled all over the world and has hiked, kayaked and canoed in a variety of places and has seen some beautiful spots; for pure, simple, wilderness beauty during any season of the year, the Birch Cove area beats them all. He has hiked, swum and camped in the Birch Cove Lake area and advised that it is a unique,

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beautiful and exotic wilderness. It would be a shame to lose such an area so close to an urban setting only for more buildings and parking lot. He noted that many people are grateful that Point Pleasant Park still remains and it would be great in 100 years to have the Birch Cove Lake area still existing as a wilderness area even with the approved future development

In response to a question by Councillor McCluskey, Mr. Rodgers commented that some of the land has been set aside for the Regional Park and some was privately owned.

Councillor Hendsbee requested that the areas of the photos be pointed out on a map so that the Committee could see the exact boundaries of the private/public lands.

In response to a question from Councillor McCluskey on whether Mr. Rodgers would have developed any of the 23 lakes in Dartmouth, Mr. Rodgers noted that the point was to keep this small piece that is not developed in the Halifax West area.

In response to a question by Mr. Morley on how HRM should go about acquiring the land for the Regional Park considering that some was privately owned and some was public, Mr. Rodgers commented that the Planning Department have already set aside what should be part of the park. The land acquisition should be done in a fair way so that land owners are compensated fairly. The park would be a wonderful legacy to land owners.

Mr. Peter Bigelow, Manager, Real Property Planning, Infrastructure and Asset Management, responded to a question by Ms. Christina MacLeod explaining that the criteria used in determining the Regional Park boundary was the watershed approach which considers water quality for those watercourses downstream from the proposed development area.

In response to Ms. Grant's request for how to access the Birch Cove Lake area considering that some access points had been closed off, Mr. Rodgers advised that the land could be accessed behind Kent Building Supplies in the Bayers Lake Business Park where there was a marked trail.

Councillor Lund inquired of staff if the Regional Park area was to be protected due to it being the head of a watershed area. Mr. Bigelow responded to Councillor Lund that the area was proposed as a Regional Park due to the watershed and the near perfect wilderness area. Development would surround much of the land in question. If the lands became available for sale, and HRM could afford them, HRM would purchase those lands for the Regional Park.

Mr. Wells advised that information on the land acquisition process would be included in a future Supplementary Report to the Committee.

Mr. Morley inquired if the trail behind Kent Building Supply was a legal access point. Mr. Chris Lowe, Birchdale Properties, noted that the trail behind Kent Building Supplies was not part of their land holdings.

Mr. Morley called for the third speaker, Mr. Rob MacPherson, Terrain Group, to come forward at this time.

2.1 (III) Mr. Rob MacPherson, Armco Capital

Mr. MacPherson noted that Armco Capital, one of the stakeholders, were in a unique position as they had land holdings in all three areas under consideration for a Secondary Planning Strategy studies. One important matter to note is that the land holdings they have in Bedford South and Russell Morris Lake are unable to be developed at this time but they are working on that.

Having a Secondary Planning Strategy does not ensure development occurs. He noted that the staff report was well done but he does not agree with the recommendations or the conclusion of the report. The last time he presented to the Regional Plan Advisory Committee, two of the areas were not proposed to be included in the Regional Plan, and following presentations to the Committee and Council, Regional Council decided that those areas be included as urban settlement. It makes sense to consider areas for ad hoc approval approach.

The issue of the fiscal health of HRM was brought forward by Regional Council and their ability to provide service to new areas being expanded into. He noted that Armco Capital were trying to obtain answers in regard to the cost of servicing by going through a Secondary Planning Strategy process. The staff report notes the importance of managing growth in a cost effective manner and Armco Capital wants to do that as well and work collaboratively with HRM staff.

Without a Secondary Planning Strategy study, other studies such as the wastewater study, do not give the full appreciation. He noted that it would take time to do the SPS and the public consultation process as well as input from Halifax Water and working with staff to then present their development plan to Regional Council for consideration. Regional Council could then consider where they want to spend their money for growth over the next twenty-five years. He added that it was important to collaborate and initiate the process although there would be no guarantee that growth would occur at the end of the process. At the end of a five year planning process, there would be more

questions.

There being no questions of clarification for Mr. MacPherson, the Committee requested clarification on the following from staff:

- the exact boundaries for the Regional Park
- what has changed in regard to development around wetlands and lakes.
Is there anything being applied to this land that was not applied to others.

Mr. French responded that one main change in the Birch Cove Lake area has been the great deal of development that has occurred since the original watershed/building development study. There is now emphasis on a Regional Park area.

In response to questions from the Committee in regard to the environmentally sensitive areas and the areas proposed for the Regional Park, Mr. Bigelow provided a brief history noting the following:

- the public's values have changed in regard to environmental sustainability and HRM currently has a great approach for the preservation/protection of environmentally sensitive areas.
- special measures were taken around Morris Russell Lake to ensure those lakes could survive development.
- the Birch Cove Lakes area is the park system that was outlined at the time of MAPSY, the first planning for the Regional Park that took place in the 1970's. He referenced an older map of the proposed environmental protection area.
- in the 1970's, the province and the then four municipal units, were involved in identifying regions for protection, one being the Birch Cove Lakes.
- the map illustrates the other environmentally sensitive areas such as Long Lake, Admiral Cove, Shubie Park and the Coastal Heritage Park in Cole Harbour/McNabs Island.
- the next large wilderness environment area to be recommended for protection was the Western Common area.
- the land for the parks were assembled in different ways. McNabs Island was done through private land owners and the Federal government for the Coastal Heritage Park and lands are still being assembled there, however; none were expropriated.
- no lands are expected to be expropriated.

In response to a question by Councillor McCluskey in regard to how long the property owners would be delayed in developing their lands in the Birch Cove Lake area, Mr. Bigelow advised, as per the Regional Plan, that a watershed approach and

environmental sensitivity study were planned for the large area on the map. Within that boundary, the province has agreed to set aside a large area toward a Regional Park that does include some of the back lakes that are to be preserved in the Regional Plan. The acreage contained in the yellowish area on the map is approximately 3100 acres.

In response to a question by Councillor Hendsbee in regard to private dams and why they were built and their impact on the other lakes/water system, Mr. Bigelow advised that the original purpose of the dams was due to the owners involvement with forestry. When a licence is obtained for a dam, and that water is backed up, anything under water is under ownership of the province due to an act of 1919; it still creates a legitimate environment whether manmade or natural.

Mr. Bigelow outlined the Regional Plan's urban reserve and urban settlement area on the map as well as the provincial lands / proposed park boundary. He then showed an overlay map outlining the ownership of the land. The boundary of the urban reserve and urban settlement does not necessarily follow the property boundaries; the Regional Plan states that those lands could be considered for sometime during the twenty-five year Regional Plan. The request for Master Planning that was proposed by Birchdale incorporates the land shown under the Regional Plan being well beyond that twenty-five year plan. If you adhere to the conditions of the Regional Plan, there are lands in that area called urban settlement that could be part of the park taking a watershed approach and going straight to the ridge.

Councillor McCluskey inquired how much privately owned land could be park land.

Councillor Hendsbee inquired whether the islands in the lake areas would remain undeveloped due to not being able to be hooked to services/roads as environmental permits would not be provided.

Mr. French reminded the Committee that staff would be providing information to these issues as the owners of the land have proposed mechanisms for resolving these issues. Staff anticipate the matter to be worked out over a long period of time with input from the land owners and public facilitation. Predominately, the land requested for the Secondary Planning Strategy Study is the land that hugs the highway with some interior land included for future development.

Mr. Chris Lowe, Birchdale Properties, noted that what they were proposing was having mixed use/business park use close to the Bi-Hi and then a road layout similar to what Dillon proposed in their environmental study done in the mid - 1990's. They want to move ahead with the Secondary Planning Strategy for those areas as well as the areas designated for urban reserve so that people can get into the back and enjoy the

wilderness area and stop the trespassing. They would like to start the process with a recommendation from the Committee that the Secondary Planning Strategy continue for the remainder of the land.

In response to a question from Mr. Pettipas, Mr. Lowe advised that they had proposed a two phased approach to staff. The first phase would be the background work, to be done this year and next year, and then the watershed study being conducted by an independent facilitator. A date when they could set the park issue out of the way as much as possible is needed so they can move forward with the Secondary Planning Strategy for the rest of the land. Coordinating getting into the provincial wilderness area is key as it is a huge portion.

In response to a question by Councillor McCluskey in regard to the time line for dealing with the parkland issue, Mr. French advised that the proposed watershed study would take one year. Information from the watershed study is vital to the facilitation process to make it all come together. Staff are open to some overlap with the parkland negotiation being done parallel with the watershed study. A specific time frame cannot be provided at this time.

Mr. French advised that staff will provide a Supplementary Report explaining in more detail responses to all questions raised by the Committee.

Referencing a map, Mr. Bigelow provided more information on the proposed Regional Park land and assemblies of multiple properties. He identified various points on the map such as the Blue Mountain Birch Cove Wilderness area for the benefit of the Committee. He noted that the Crown land runs largely along the park boundary. The area in purple on the map is to be part of the watershed study but not necessarily all would be included as the parkland.

Mr. French provided a summary of the matter to date and reminded the Committee that they are reviewing Policy S3 in the Regional Plan which defines objectives relative to the creation or beginning of new Master Plan studies. The criteria is to protect the municipality's fiscal health, capacity to meet additional financial commitments, and to address any deficiencies in municipal services. The fiscal health of the municipality is very much tied to its growth and development patterns.

In conclusion, there is ample land, however; confusion around the land available in Dartmouth will be addressed in the Supplementary Report. Staff acknowledge that there is potentially an issue in Dartmouth but before it can be confirmed, completion of the Morris Russell Lake plan area has to be done.

Initiating the requested Secondary Planning Strategy process at this time is premature and inconsistent with the Regional Plan to manage growth in a cost effective manner. All of the lands are within the settlement designation and will have to be planned at the appropriate time. A ramification of moving forward too early is growth management relating to the long term municipal fiscal health.

Staff would like to see consideration of these proposals proceed with caution as initiating a Secondary Planning Study is not just for studies; the legal process would be set in motion including a public hearing as part of the large public consultation process. Part of the issue to be considered on whether or not to initiate the Secondary Planning process, is the large amount of resources that would be consumed by undertaking the studies as they do take a long time to establish the growth pattern of HRM; the build outs may take decades. A substantial amount of public consultation must occur given the huge ramifications of the developments happening. The biggest concern would be in detracting from the community visioning program and other projects underway.

HRM, along with all municipalities across Canada, is facing a high level of uncertainty relative to the changing rules on how a municipality disposes of its wastewater. He noted that Mr. Jamie Hannam, Director of Engineering, Halifax Water (HW) was in attendance. Mr. French explained that HRM/HW was required to create a Wastewater Management Functional Plan that would be crucial to understanding what capacity exists within land for development.

Staff are recommending that:

- the Watershed Study for the Birch Cove Lakes area be undertaken immediately,
- that there should be a Regional Park Boundary facilitation with the property owners; there may have to be some overlap with the Wastewater Management Functional Plan prior to establishing density on the lands.
- the Port Wallis Watershed Study to commence next year.

Mr. Hannam advised that the Wastewater Management Functional Plan is in progress

In response to a question by Councillor McCluskey, Mr. French advised that the cost of a Wastewater Study would be expensive; around \$100,000. HRM pays for the studies through the Capital Budget. Developers could pay for the study and then be reimbursed by HRM if the Developer wishes to have the study done sooner, however; depending on the results of those studies the Secondary Planning Process may or may not commence. If the funding were contingent upon initiating the Secondary Planning process then the money should not be accepted.

Mr. French explained that the issue with the Port Wallis area is the land inventory in Dartmouth as it is in HRM's best interest to fully explore a solution to the Morris Russell Lake Master Plan. There is a lot of potential in the Morris Russell Lake area including the resolution of a significant transportation issue on Portland Street. The completion of the Morris Russell Lake Master Plan included the construction of the Mount Hope Connector Road to Caldwell Road which would have syphoned all the traffic from Colby Village to the Circumferential Highway. Completion of the Morris Russell Lake Master Plan is very important to the future of HRM as there are lands out there capable of being developed.

Councillor Lund commented that he did not feel that HRM could assume that the Federal Department of National Defense (DND) would relinquish their lands for development. Mr. French noted that if negotiations could be worked out to build a road across those lands, the other areas in Eastern Passage could be brought on board.

Mr. Peter Duncan, Manager, Capital Cost Charges Project, Infrastructure and Asset Management, explained that HRM has met with the officials at DND and provided a preliminary design of the road which is now under review by DND. HRM expects to hear from DND very soon in regard to the proposed road.

In response to a question by Councillor McCluskey, Mr. French advised that there would have to be plan policy changes before the Eastern Passage area came to development. He noted that there was some risk involved with the Morris Russell Lake lands not being fully acceptable but it must be fully explored.

Councillor McCluskey inquired what the total cost would be for the Morris Russell Lake development compared to developing the Port Wallis lands.

Mr. Duncan responded to Councillor McCluskey that the cost of the Connector Road across DND lands is now on the books at \$6 million. He was uncertain at this time what the cost of the Caldwell Road Connector Road would be but it is loosely estimated at \$10 million; when the Capital Cost policy was put forward for the Master Plan area the estimate was \$7.5 m.

In response to question by Councillor McCluskey on what the cost to HRM would be to approve the Secondary Planning strategy for the Port Wallis lands, Mr. Duncan advised that the worst case scenario was that the province would not cost share anything in regard to the development. He did not have the numbers at this time.

In response to a question by Councillor McCluskey, Mr. Morgan explained that the first phase of the Secondary Planning Strategy has been approved for the Morris Russell

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Lake area. The Watershed Study was paid for by the municipality and the controversy involved the ongoing water quality monitoring.

Councillor McCluskey commented that if the fiscal aspect is so important then it is important to go where the cost of development would be cheapest.

In response to questions by Ms. Margo Grant, Mr. French advised that:

- the three recommendations could be voted upon separately by the Committee.
- there is a public component for the Watershed Management Study
- the Parkland Facilitation is intended to be a transparent process although the Terms of Reference has not been created nor fully worked out at this point.

In response to a question by Councillor Hendsbee in regard to the current potable water supply and how long it would last and whether future watershed reserve areas have been/will be identified to ensure future capacity for the proposed developments, Mr. Hannam explained that HRM/HW was in good shape with the two core systems at Lake Major and Pockwock. There is ample room for more growth in the watershed areas. The watersheds that currently exist will exist twenty-five years. There is ample water supply with the current infrastructure and water supply including the three areas identified for a Secondary Planning Study.

In response to a question by Ms. Christina MacLeod, Mr. French advised that it was uncertain if all questions in regard to the Port Wallis area would be addressed upon completion of the Watershed Study.