

Item No. 11.1.1
Halifax Regional Council
March 4, 2014

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY: Original signed by 
Richard Butts, Chief Administrative Officer

Original Signed by 
Mike Labrecque, Deputy Chief Administrative Officer

DATE: February 11, 2014

SUBJECT: Public Participation Program – Port Wallace

ORIGIN

November 16, 2010, motion of Council to undertake a Watershed Study for Port Wallace and move forward with the Secondary Planning Process as soon as the watershed study is completed.

LEGISLATIVE AUTHORITY

Section 219 (1) of the Halifax Regional Municipality HRM Charter requires that “The Council shall adopt, by policy, a public participation program concerning the preparation of planning documents.”

RECOMMENDATION

It is recommended that Halifax Regional Council:

1. Approve the public participation program for the Master Infrastructure Plan Study and Secondary Planning Strategy for Port Wallace as presented in Attachment A;
2. Adopt the Port Wallace Secondary Plan Area Boundaries shown on Attachment B as interim boundaries for Port Wallace Secondary Planning Area;

RECOMMENDATION CONTINUED ON NEXT PAGE

3. Direct staff to assess the merits of including the additional lands requested by WSP Canada Limited in the Secondary Plan Area as outlined in Map 1 of Attachment E, under the Land Suitability and Pre-design Baseline Infrastructure Capacity studies; and
4. To include stormwater management facilities on private property in the future design requirements for Port Wallace, with the objectives of achieving the water quality objectives recommended by AECOM in the Shubenacadie Lakes Subwatershed Study and the Regional Municipal Planning Strategy and not increase peak runoff, as recommended by the Regional Watershed Advisory Board and the Harbour East-Marine Drive Community Council.

BACKGROUND

Port Wallace, located on the eastern side of Lake Charles, is identified by the Regional Plan as a potential future growth area to be serviced with municipal sewer and water services. However, for any development to occur, the Plan requires that a watershed study be undertaken and that a secondary planning strategy be approved by Council. The extension of services would also be subject to the approval of the Utility and Review Board.

Regional Council passed a motion on November 16, 2010, directing Staff to commission a watershed study for the Shubenacadie Lakes Subwatershed, as background for the preparation of the Port Wallace Secondary Municipal Planning Strategy. Council also directed that the Secondary Planning Process commence as soon as the watershed study has been completed.

The Shubenacadie Lakes Subwatershed Study has been prepared by AECOM. The primary purpose of the study was to address the objectives established under policy E-17 of the Regional Plan. This included making recommendations regarding water quality objectives for receiving watercourses, stormwater management strategies, the amount of development that should be allowed and a monitoring program¹.

The study modeling concluded that some deterioration of water quality in the lakes could be expected, although this was largely attributed to existing and new septic systems close to the lake. The study recommended that:

- maintenance of existing septic systems and alternatives to septic systems, including advance wastewater systems be considered;
- stormwater management facilities be required in the Port Wallace secondary plan area to better maintain the health of the lakes; and
- a monitoring program be undertaken.

The findings of the Shubenacadie Lakes Subwatershed Study were presented to the Regional Watershed Advisory Board on October 9, 2013, and the Harbour East and Marine Drive Community Council on November 14, 2013. The Regional Watershed Advisory Board and

¹ A copy of the study can be found at <http://www.halifax.ca/planhrm/>

Community Council passed a motion to accept the Shubenacadie Lakes Subwatershed Study Report as background for future community planning. The Community Council also recommended that:

1. Advanced stormwater management practices be included in the Port Wallace development with the objectives of not increasing peak flow of stormwater quantity and no decrease in stormwater quality; and
2. Permanent stream gauging and flood plain mapping be undertaken of the entire watershed.

DISCUSSION

The proposed process to undertake the Port Wallace Secondary Plan and Master Infrastructure Plan Studies is outlined in Attachment C. The deliverables for this project include the following:

1. Master Infrastructure Plan;
2. HRM Capital Cost Contributions for Transportation Improvements;
3. HW Capital Cost Contributions for Water, Wastewater and Stormwater;
4. Secondary Municipal Planning Strategy;
5. All amendments to existing policies and regulations needed to implement the Plan; and
6. Development agreement for the first phase of the proposed development.

The timeframe to bring the above-noted deliverables to Council for approval is estimated to be 24 months. Infrastructure Charges for water, sewer and stormwater will also be brought forward for approval by the Utility and Review Board, and the Secondary Plan and Regulations will be subject to review by Service Nova Scotia and Municipal Relations. The approvals for plans, regulations and infrastructure charges is estimated to take an additional four to six months.

These timeframes are slightly longer than the timeframe outlined in the WSP Canada letter, Attachment E. The schedule however, does provide for the delivery of a development agreement for approval concurrently with a proposed Secondary Plan.

The Halifax Regional Municipality Charter requires that a public participation program be adopted to carry out the planning process. A Public Participation Committee is proposed to oversee the process, as outlined in Attachment A. The purpose of the Committee is to host meetings, workshops and any additional forums needed to engage the Port Wallace Community and affected groups and organizations in the formation of a proposed Secondary Municipal Planning Strategy and regulations. The mandate of the Committee is to:

- review studies and draft regulations to provide feedback to staff and consultants throughout the process;
- ensure that members of the public have opportunity to participate and express their opinion;
- confer with the Harbour East-Marine Drive Community Council, the North West Community Council, committees of Council, and other groups and organizations; and

- Make recommendations to the Community Councils for recommendation to Regional Council for adoption.

The process includes the formation of an eight member Public Participation Committee consisting of residents and/or members of volunteer organizations/associations delivering programs that may be affected by the proposed development of the Port Wallace Area. No member of the Committee shall have a direct financial gain in the future development of the Port Wallace Area, to maintain a fair and impartial process. Landowners and their Consultants will be able to make direct representation to the Committee to provide advice and information. It is recommended that the Harbour East-Marine Drive Community Council and the North West Community Council recommend four members each to Regional Council for appointment to the Committee.

The Port Wallace landowners have hired WSP Canada Limited to undertake the Land Suitability Assessment (Step 1, Attachment B) and to develop concept plans (Step 3, Attachment B) for review. The work will be guided by an HRM and Halifax Water Internal Steering Committee to ensure compliance with all municipal policies, regulations and design specification. A Draft Terms of Reference for this Assessment has been prepared and forwarded to the Consultants for consideration, as outlined in Attachment D.

Under the proposed process, the Land Suitability Assessment will be reviewed by specialists contracted by the Municipality to verify the findings. HRM will undertake an assessment of the baseline capacity of existing infrastructure to evaluate the impacts of the proposed development. HRM and Halifax Water will also undertake the Master Infrastructure Plan and Capital Cost Studies. HRM staff will recommend Capital Cost Contributions for transportation improvements to Council for approval. The Capital Cost Contributions proposed for water, wastewater and stormwater will be presented by the HRWC staff to the HRWC Board and to the Nova Scotia Utility and Review Board (NSUARB) for approval. The Landowner's Consulting Team will undertake the Land Suitability Assessment and prepare Concept Plans for consideration by HRM, Halifax Water, the Public Participation Committee and the Public.

Master Plan Study Area and Secondary Plan Area:

Attachment B shows the area of Port Wallace that is proposed to be included in the Port Wallace Secondary Plan. This includes an area of 317 hectares on the western side of Highway 107, south of the Craigwood Subdivision. The subject lands are within the Urban Settlement Designation under the Regional Municipal Planning Strategy. This is the area where wastewater and water services may be extended through an amendment to the Urban Service Area under the Regional Subdivision By-Law.

The landowner's consultant, WSP Canada Limited, request that the lands of Conrad Brothers Limited on the eastern and western sides of Highway 107, be included in the Secondary Plan Area (See Map attached to letter of WSP Canada Limited, presented as Attachment E). For the immediate term, the Consultants request that the 22 hectare parcel between the lake and the Highway 107 interchange be included. The Consultants also request that the lands fronting on the eastern side of the Highway 107 interchange be included for business development (See Map attached to letter of WSP Canada Limited, presented as Attachment E). Conrad Brothers intends

to continue to use the remaining lands as a quarry for the foreseeable future, beyond the timeframe for this Secondary Plan (Attachment E).

The additional lands requested for inclusion are within the Rural Commuter Designation. Lands within the Rural Commuter Designation are beyond the area that may be included within the Urban Service Area. An amendment would be required to the Regional Municipal Planning Strategy and the Regional Subdivision By-Law to allow any serviced development on the subject lands.

There may be merit in including some of those lands within the Secondary Plan Area. Including the 22 hectare parcel near the lake would prevent the impact of on-site septic system development on Lake Charles, as outlined in the AECOM Shubenacadie Lakes Subwatershed Study. There may also be merit in providing for an industrial and business park development, without any big-box retail, on the eastern side of the 107 Interchange. Consideration of the request to include additional lands should be assessed under the Land Suitability and Pre-design Capability studies and brought back to Council for consideration (Steps 1 and 2 –Attachment B).

Stormwater Management:

The Harbour East-Marine Drive Community Council has recommended, on advice of the Regional Watershed Advisory Board, that advanced stormwater management practices be included in the Port Wallace development with the objectives of not increasing peak flow of stormwater quantity and no decrease in stormwater quality. These recommendations stem from the recommendations of the AECOM under the Shubenacadie Lakes Subwatershed Study.

The AECOM Study did not recommend a zero decrease in stormwater quality. The Study recommended that, to help achieve the Regional Plan objective of maintaining the present trophic status of the lakes, phosphorus emissions into the lakes should be reduced through advanced stormwater management techniques in the Port Wallace secondary plan area. This could prove challenging to achieve through enhancements to the public stormwater management system.

Under the Transfer Agreement, HRM has delegated responsibility for the public stormwater system to Halifax Water, a public utility accountable to the NSUARB. Halifax Water is mandated by the NSUARB to provide services in a cost-effective manner, subject to the Public Utilities Act and in compliance with all federal and provincial health and environmental regulations. There are currently no requirements or guidelines under the Nova Scotia Department of Environment Regulations regarding stormwater quality. Staff will therefore, emphasize advanced stormwater management measures that can be undertaken on private property that will not affect the stormwater system owned by Halifax Water, with responsibility for maintenance resting with the property owners.

Stream Gauging:

The Harbour East-Marine Drive Community Council also recommended on the advice from the Regional Watershed Advisory Board, that permanent stream gauging and flood plain mapping be undertaken of the entire watershed. Stream gauging would help refine the models developed to test the impacts of development under the AECOM Shubenacadie Lakes Subwatershed Study. It

may also be of benefit over the long-term for future assessments of developments and activities affecting stream flow and flooding events. This recommendation will be forwarded to the HRM Energy and Environment Office for consideration as part of any future monitoring programs.

FINANCIAL IMPLICATIONS

Staff Resources:

Staff commitments can be undertaken within HRM's Operating Budget.

Consultants:

Funding will have to be provided to hire a water quality specialist to work with the HRM and Halifax Water Steering Committee to guide the Land Suitability Assessment. Funding will also be required to hire consultants to undertake an assessment of the impacts of the Concept Plans to be prepared by the Landowner's Consultant. The estimated cost for these services is \$50,000. This estimate may vary depending on the site features that will be impacted and the scope of the assessment.

Consulting costs for the water and wastewater infrastructure study are estimated to be \$300,000.

Sufficient funds to cover this cost are in Project No. CD990004 - Port Wallace Master Plan. The cost for these studies can be recovered through future charges for infrastructure development.

Infrastructure:

The cost of providing master infrastructure required for the future development of Port Wallace was estimated in 2009 at approximately \$38 million. This amount includes a new interchange, widening Braemar Drive and new transmission and trunk mains for piped services, but does not include the cost of local services, which would be the sole responsibility of the developers. Master infrastructure typically benefits both existing as well as new development, and for this reason not all of the \$38 million can be collected from capital cost contributions from developers.

The Capital Cost Contribution Policy provides a framework for Regional Council to consider investing in infrastructure for secondary plan areas and recovering the appropriate costs from developers. Municipal costs, up-front financing, and risk of cost recovery, will be the subject of baseline cost studies, master infrastructure plans, and Capital Cost Contribution studies carried out in conjunction with the secondary planning process, in collaboration with Halifax Water.

COMMUNITY ENGAGEMENT

The proposed Public Participation Resolution complies with HRM's Public Engagement Strategy.

ENVIRONMENTAL AND INFRASTRUCTURE IMPLICATIONS

The Shubenacadie Lakes Subwatershed predicted that Grand Lake, Cranberry Lake and Lake William may exceed their trophic status, regardless of any development of Port Wallace, due to other developments within the watershed. However, the study noted that maintaining pre-development stormwater flow and quality characteristics with development of the Port Wallace Lands is important because Lake Charles, the immediate recipient of these flows, is a headwater lake so any water quality effects will cascade downstream in a cumulative manner. Incorporating stormwater management facilities into the development was therefore recommended to reduce impact on the Shubenacadie Lakes.

AECOM was also contracted to conduct hydraulic modeling and floodplain mapping of the Lake Charles, Lake Micmac, Lake Banook, Redbridge Pond and Sullivan's Pond subwatersheds. The Study concluded that future land use, under current climate and climate change conditions, would exceed the road crossing upstream of Lock 2 (above Lake Micmac) and the pipe capacity, and would overtop the road in the second reach of the outfall pipe downstream of Sullivan's Pond. The Consultant has to seek confirmation from the Halifax Water and the Nova Scotia Department of Environment on the stormwater management requirements for major hydraulic flows and the capacity of local stormwater system under the Draft Land Suitability terms of reference.

The CBCL Cost of Servicing Plan outlined the need for new road, water and sewer infrastructure in Port Wallace and the surrounding area. One of the infrastructure requirements that will affect the layout of future development is the need for a new interchange at the southeast corner of the site on Highway 107. The Neill and Gunter (2006) Port Wallace Forcemain and Watermain Study, outlines a concept (alignment and sizing) for a utility corridor south of the Port Wallace Study Area for water and sewer. There is also a desire by the gas and power utilities to use this corridor.

ALTERNATIVES

1. Adopt the staff recommendations presented on the front page of this report. This is the staff recommendation.
2. There is a risk that the public may perceive the process as biased if the Land Suitability Assessment and Concept Plans are prepared by the Landowner's Consultant. Council could direct that the Land Suitability Assessment and Concept Plans for future development be prepared by consultants contracted by the Municipality. There are numerous checks and balances built into the process to ensure that the process is fair and transparent. It is also beneficial to have the direct input of the landowners and consultants in the process to maintain buy-in and commitment to the development of the community. The process will be overseen by a Public Participation Committee which will host public events at critical stages. The process is also designed to undertake studies (Pre-design Infrastructure Baseline Study and Design Concept Impact Assessment) that will be used

to verify the assumptions and products of the proposed design concepts and regular reports will be sent to Council. Staff will also be undertaking the studies and plans (Master Infrastructure Plan and Infrastructure Cost Study and Secondary Plan and Regulations) for the approval of Council.

ATTACHMENTS

- Attachment A: Public Participation Resolution for Port Wallace Master Infrastructure Study and Secondary Planning Process
- Attachment B: Port Wallace Secondary Plan Area Interim Boundary
- Attachment C: Port Wallace Secondary Plan and Master Plan Study
- Attachment D: Draft Terms of Reference: Port Wallace Land Suitability and Capacity Analysis
- Attachment E: Letter of Understanding for the Port Wallace Secondary Planning Strategy Process dated January 16, 2013 from WSP Canada Limited on behalf of the Port Wallace Landowners

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

Report Prepared by: Maureen Ryan, Senior Planner, Planning and Infrastructure, 490-4799

Report Approved by: _____
Austin French, Manager, Planning, Planning and Infrastructure

Financial Approval by: _____
Greg Keefe, Director of Finance & ICT/CFO, 490-6308

Report Approved by: _____
Jane Fraser, Director, Planning and Infrastructure, 490-7166

Report Approved by: _____
Brad Anguish, Director, Community & Recreation Services, 490-4933

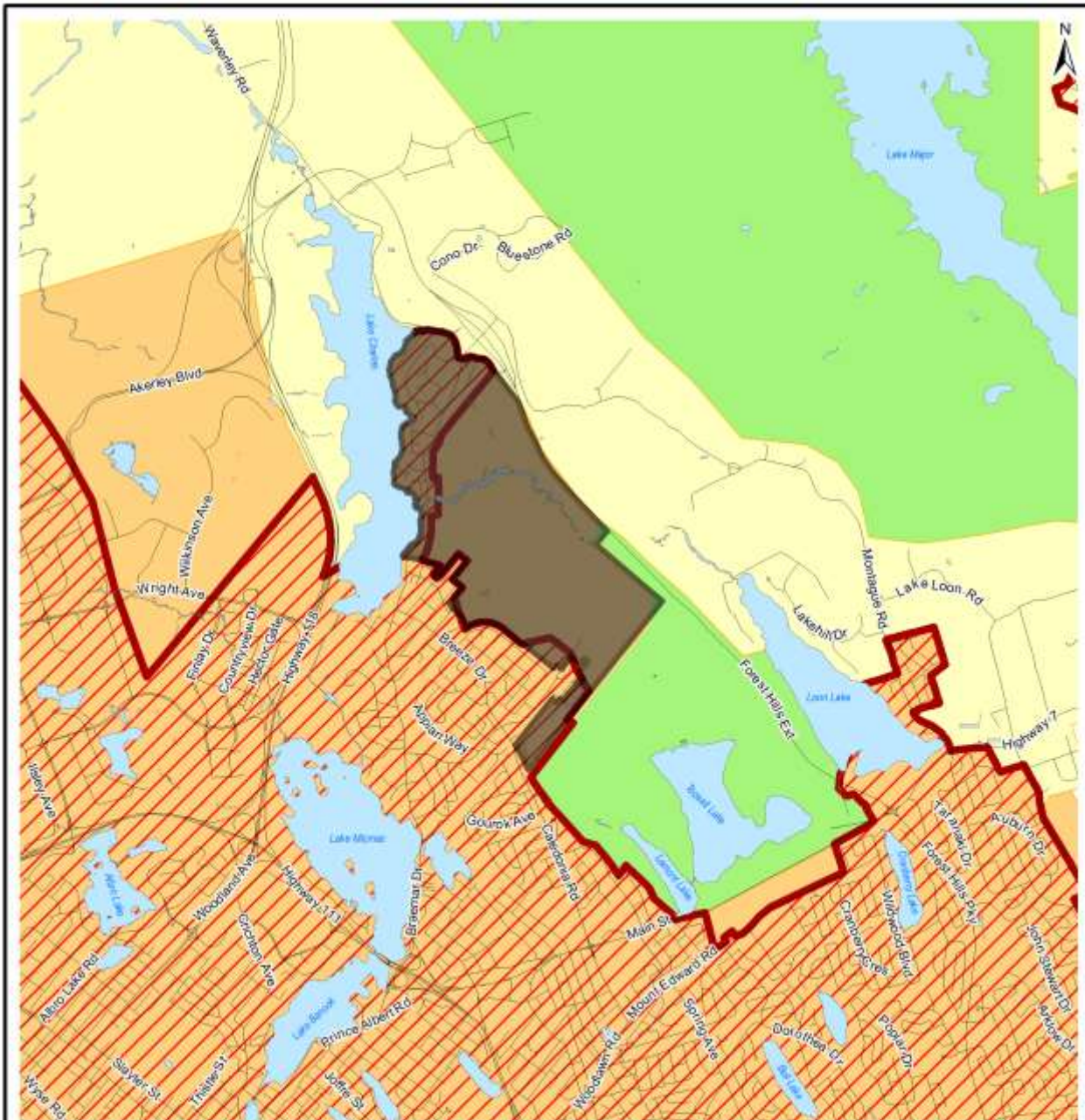
Report Approved by: _____
Carl Yates, General Manager, Halifax Regional Water Commission, 490-4840

Attachment A
Public Participation Resolution for Port Wallace
Master Infrastructure Study and Secondary Planning Process

1. The Port Wallace Public Participation Committee (the Committee) shall be formed to guide the preparation of the Planning Documents for the Port Wallace Secondary Planning Strategy. This includes amendments to the Dartmouth Municipal Planning Strategy and Land Use By-law, the Regional Subdivision By-law and any amendments needed to the Regional Municipal Planning Strategy to carry out the Port Wallace Secondary Planning Strategy as directed by Halifax Regional Municipality Council.
2. The Committee will comprise a maximum of eight (8) members consisting of residents of Port Wallace and members of volunteer organizations/associations delivering programs that may be affected by the proposed development of the Port Wallace Area.
3. The North West Community Council and the Harbour East-Marine Drive Community Council shall recommend four (4) members each to Regional Council for appointment to the Committee.
4. The mandate of the Committee is to:
 - a. To provide input to staff and consultants during the preparation of studies, reports, policies and regulations;
 - b. Ensure that property owners and interested parties have adequate opportunities to participate and express their opinion;
 - c. Schedule and attend all public meetings and workshops; and
 - d. Make recommendations to the North West Community Council and the Harbour East- Marine Drive Community Council regarding any policy and regulatory amendments proposed for the Port Wallace Secondary Plan Area.
5. No member of the Committee shall have a direct financial interest in the outcome of the process.
6. Landowners and their Consultants may provide studies, reports and provide professional advice to the Committee and the public but shall not become a member of the Committee.
5. The Committee may host any number of workshops, open houses or public meetings it deems necessary to facilitate public input into the formation of the plan.
6. The Committee will bring forward a recommended set of policies and regulations to North West Community Council and the Harbour East-Marine Drive Community Council for review and approval.
7. The North West Community Council and the Harbour East-Marine Drive Community Council will review the planning documents recommended by the Committee and either provide feedback to the Committee for suggested revision or recommend the planning documents to Regional Council for public hearing.
8. Regional Council is the approving body of the planning documents pursuant to the provisions of the Halifax Regional Municipality HRM Charter.
9. All meetings of the Committee shall be open to the public.

Attachment B

Port Wallace Secondary Plan Area Interim Boundary



Attachment B Master Infrastructure Plan Study Area and Secondary Planning Strategy for Port Wallace

HALIFAX
REGIONAL MUNICIPALITY

- Port Wallace Secondary Plan Area Interim Boundary
- Urban Service Area
- Rural Commuter
- Urban Settlement
- Open Space and Natural Resource

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HRM does not guarantee the accuracy of any representation on this plan.

Date: 07/02/2014

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Attachment C

Port Wallace Secondary Plan and Master Plan Study

Process Step	Lead Unit/Corporation	Timeline	Timeline Risks
Step 1: Land Suitability and Land Capability Analysis	HRM Planning	Feb 2014 – July 2014	
Step 2: Pre-design Baseline Infrastructure Capacity Report to determine Capacity Constraints in the Transportation and Water, Wastewater and Stormwater Service Systems	HRM Infrastructure and HW	Feb 2014 – July 2014	
Step 3: Formation of Public Participation Committee and Development of Alternative Design Concepts (Concept Plans)	HRM Planning	April 2014 – Jan 2015	Public Input requiring additional consultation
Step 4: Impact Assessment and Selection of a Preferred Design Concept	HRM Planning	Jan 2015 – May 2015	Adverse Impacts that cannot be mitigated
Step 5: Master Infrastructure Plan Preparation for the preferred Design Concept	HRM Infrastructure and HW	June 2015 – September 2015	Delay in direction from NSDOE on capacity of local stormwater system
Step 6 (a): Capital Cost Contribution Study for Transportation Improvements (to be undertaken concurrently with Step 5)	HRM Infrastructure	August 2015 – December 2015	
Step 6 (b): Capital Cost Contribution Study for Water, Wastewater and Stormwater Improvements (to be undertaken concurrently with Step 5)	HRM Infrastructure for HW Review and Approval	August 2015 – December 2015	

Step 7: Secondary Plan Preparation (to be undertaken concurrently with Steps 5 and 6)	HRM Planning and HRM Development Approvals	June 2015 - December 2015	
Step 8: Phase 1 Development Agreement (to be undertaken concurrently with Steps 5 and 6)	HRM Development Approvals	August 2015 – December 2015	
Step 9: Secondary Plan and Development Agreement Community and Internal Review	HRM Planning and HRM Development Approvals	January 2016	Public Input requiring additional consultation
Step 10: Joint Community Council Review of: (a) Proposed Secondary Plan and Transportation Infrastructure Charges (Plan and Subdivision By-law Amendments); (b) Proposed Development Agreement; (c) Proposed Regional Subdivision By-law Amends; and (d) Proposed Land Use By-law Amends	HRM Planning, and Infrastructure		
Step 11(a): Regional Council Public Hearing for: (a) Proposed Secondary Plan and Transportation Infrastructure Charges; (b) Proposed Regional Subdivision By-law Amends; and (c) Proposed Land Use By-law Amends Step 11(b): Joint Regional And Community Council Public Hearing for Phase 1 Development Agreement.	HRM Planning, and Infrastructure		

Step 12: Utility and Review Board Review of: (a) Service Area Boundary Amendments; and (b) Capital Cost Contributions for Water, Wastewater and Stormwater for the public system	HW		URAB Rejection of Capital Cost Charge
Step 13: Service Nova Scotia and Municipal Relations Review of: (a) Secondary Plan and Transportation Infrastructure Charges (Plan and Subdivision By-law Amendments); (b) Proposed Regional Subdivision By-law Amends; and (c) Proposed Land Use By-law Amends	HRM Planning		Any SNSMR recommendations requiring further consideration
Step 14: Notice of Effective Date of Secondary Plan, Subdivision By-law and Land Use By-law amendments	HRM Planning		
Step 15: Notice of Approval of Phase 1 Development Agreement	HRM Development Approvals		
Step 16: Appeal Period for Development Agreement	HRM Development Approvals		URAB Appeals
Step 17: Community Council Ratification of Phase 1 Development Agreement	HRM Development Approvals		

Attachment D

Draft Terms of Reference:

Port Wallace Land Suitability and Capacity Analysis

The Shubenacadie Lakes Sub-watershed Study was prepared by AECOM on behalf of HRM as background to prepare a secondary plan for Port Wallace. The purpose of the watershed study was primarily intended to determine the carrying capacity of the watershed to meet defined the water quality objectives for the Shubenacadie Lakes Sub-watershed. The study recommended that the present trophic status of the lakes within the study area be maintained.¹ The Study predicted that Grand Lake, Cranberry Lake and Lake William would exceed its trophic status with the development of Port Wallace and all other proposed development within the watershed without advanced stormwater management among other measures to reduce impact on the Shubenacadie Lakes.

AECOM was also contracted to conduct hydraulic modeling and floodplain mapping of the Lake Charles, Lake Micmac, Lake Banook, Redbridge Pond and Sullivan's Pond sub-watersheds. The purpose of this study was to develop a stormwater model to support the storm sewer/culvert renewal project to rehabilitate the outfall pipe system at Sullivan's Pond. The model was applied to existing and future land use under current and climate change conditions. The Study concluded that future land use under current climate and climate change conditions would exceed the road crossing upstream of Lock 2 (above Lake Micmac) and the pipe capacity and overtop the road in the second reach of the outfall pipe downstream of Sullivan's Pond.

The CBCL Cost of Servicing Plan outlined the need for new road, water and sewer infrastructure in Port Wallace and the surrounding area.¹ One of the infrastructure requirements that will affect the layout of future development in the Port Wallace Area is the need for a new interchange at the southeast corner of the site on Highway 107. The Neill and Gunter (2006) Port Wallace Forcemain and Watermain Study outlines the need for a utility corridor south of the Port Wallace Study Area for water and sewer. There is also a desire by the gas and power utilities to use this corridor.

A land suitability and **capacity** analysis is required to determine the areas of cultural and environmental importance within the Port Wallace Study Area before alternative concept plans are prepared for future development (Map 1). The analysis should take place on two scales with detailed level work undertaken in the Port Wallace Study Area and reconnaissance level work undertaken in the Lake Charles/ Dartmouth Lakes/ Topsail Lake sub-watersheds (Map 1). Within the Port Wallace Study Area, field investigations should be undertaken by specialists trained to delineate the features that should be protected. Within the Lake Charles/ Dartmouth Lakes/ Topsail Lake sub-watersheds, analysis can be undertaken from published sources of data to gain an understanding of how the environmental and cultural systems on the site connect to the surrounding area.

Matters to be included in the Land Suitability Assessment include the following:

1. **Natural Systems/Critical Areas** - natural environmental features and engineered structures (canals, dams, etc.) critical to habitat conservation, natural hydrological functions and natural corridor connections. Critical ecological functions include natural services such as water recharge, filtration, and flood retention that will need special management and should be identified in advance to avoid impacts on the Dartmouth Lakes, Lake Charles, Topsail Lake and Shubenacadie Lakes sub-watersheds.

2. **Natural Hazards Areas** – areas of engineering constraint and high mitigation costs that should be avoided if they are subject to flooding, have steep slopes, prone to subsidence or any other potential environmental hazard.
3. **Heritage Areas** – areas of unique natural and cultural heritage that should be protected if they are important to conserve in the context of the Port Wallace and surrounding area. In particular, have regard to the need to maintain connectivity and avoid impact on the Dartmouth Lakes and Shubenacadie Canal System as a National Civil Engineering Historic Site.
4. **Connectivity/Mobility** – areas of natural and engineered corridors that provide important connections within and to the surrounding area. These include areas that provide corridors and areas that function or have the capability of functioning as part of a recreation and transportation (pedestrian, cyclist, transit, motorist) network. Specific consideration shall be made to the need for a new interchange on Highway 107 and Utility Corridor (water, sewer, gas, electricity) through Shubenacadie Park.
5. **Cultural Areas** – areas that include natural and built features that should be protected if they are important to the retention of the culture and natural heritage of the Port Wallace Area and surrounding area (the Dartmouth Lakes, Lake Charles, Topsail Lake and Shubenacadie Lakes sub-watersheds).
6. **Land Use Areas** – areas suitable for the provision of employment, schools, recreation and leisure services.
7. **Infrastructure Capacity** – the capacity of local and offsite storm, water, sewer and transportation systems to accommodate anticipated growth in the Port Wallace Study Area and the need for improvements and new infrastructure to accommodate anticipated growth. The Consultant should take into account the recommendations and findings of the previous studies identified in the background section along with any other relevant reports or information obtained from all relevant regulatory agencies. In particular the Consultant shall seek confirmation from the Halifax Regional Water Commission and the Nova Scotia Department of Environment on the stormwater management requirements for major hydraulic flows and the capacity of local stormwater systems.

Attachment E
Letter of Understanding for the Port Wallace Secondary Planning Strategy Process from WSP Canada
Limited on behalf of the Port Wallace Landowners



B07057

January 15, 2013

Mr. Austin French
Manager, Community Development
Planning and Development Services
Halifax Regional Municipality
P.O. Box 1749
Halifax, NS B3J 3A5

Subject: Letter of Understanding for the Port Wallace Secondary Planning Strategy Process

Dear Mr. French:

On behalf of the Port Wallace landowners – Conrad Brothers Ltd., Armco Capital Inc., W. Eric Whebbly Ltd. and M. Unia, Trustee & S Unia, Trustee, hereinafter referred to as the "Owners" – WSP Canada Inc. (formerly GENIVAR Inc.) is pleased to provide you with this Letter of Understanding regarding the initiation of the Port Wallace Secondary Planning Strategy Process (SPS). This letter outlines our understanding of the SPS project steps as they have been presented to us by Halifax Regional Municipality (HRM) Staff and Council.

1.0 Recommendations

The Owners support the following SPS project understandings:

1. The Owner's Consultant, WSP Canada Inc., will prepare a *Land Use Suitability & Capacity Analysis* as outlined in section 2.0 of this letter.
2. Regional Council will initiate the Public Participation Process at SPS project outset.
3. Conrad Brothers Ltd.'s lands as shown on **Appendix A** will be considered as part of the SPS process.
4. Capital Cost Contributions and Development Agreement parameters will be confirmed during the SPS process.

WSP Canada Inc.
1 Spectacle Lake Drive
Dartmouth, NS B3B 1X7
T: 902-835-9955
www.wspgroup.com

2.0 Land Use Suitability & Capacity Analysis

A *Land Suitability and Capacity Analysis* is required to determine the areas of cultural and environmental importance within the Port Wallace Study Area before alternative concept plans are prepared for future development. The analysis should take place on two scales with detailed level work undertaken in the Port Wallace Study Area and reconnaissance level work undertaken in the Lake Charles/ Dartmouth Lakes/ Topsail Lake sub-watersheds. Within the Port Wallace Study Area, field investigations should be undertaken by specialists trained to delineate the features that should be protected. Within the Lake Charles/ Dartmouth Lakes/ Topsail Lake sub-watersheds, analysis can be undertaken from published sources of data to gain an understanding of how the environmental and cultural systems on the site connect to the surrounding area.

Matters to be included in the *Land Suitability and Capacity Analysis* are outlined in **Appendix B** ('Port Wallace Land Suitability and Capacity Analysis', Terms of Reference, HRM, November 28, 2013).

3.0 Public Participation Program

Regional Council will advise HRM Staff to begin advertising for a SPS Planning Advisory Committee (PAC) at project outset. HRM Staff will also prepare a Terms of Reference for the PAC. PAC membership will be voluntary, appointed by Council, and membership will generally last the duration of the SPS process. In general, the PAC will help the Owners, Staff and Council envision future land use policy and design considerations with regards to the Port Wallace lands. This will include analysis of density thresholds with an emphasis on a mixed-use approach to development.

4.0 Conrad Brother's Ltd.'s Lands

Based on our understanding of historic policy intent and various directed studies (refer to Letter to CDAC dated June 20, 2013), we are of the opinion that the entire Port Wallace area, including those owned by Conrad Brothers Ltd., are to be included in the upcoming SPS Process.

Particularly, the immediate goal is to include those lands identified in **Appendix A**. Conrad Brothers Ltd. has approximately 54 acres of land inside the Highway 107 Bypass, which is understood to be included in the SPS process. Lands across the Highway 107 Bypass, however, are subject to future servicing sizing and capacity considerations: at this time, only the lands immediately bordering Highway 107 are being considered within the SPS process.

We recognize that a majority of Conrad Brother's Ltd.'s lands will continue to operate as a quarry beyond what is foreseen for this SPS process; our intention is to retain the rear quarry lands as 'future development'.

5.0 Capital Cost Contributions and Development Agreement

HRM representatives have confirmed that development within the SPS area is subject to infrastructure charges that are determined through a Capital Cost Contribution Study (CCC). The CCC study will be initiated by HRM. The CCC process is a separate process, but will overlap with



the SPS process. This study will examine the infrastructure costs that should be borne by the Developers as part the development of the SPS area. If appropriate, detailed neighbourhood plans may be considered during the SPS process for the purposes of illustrating and confirming overall infrastructure requirements.

The landowners recognize the importance of ensuring that the CCC process is concluded and confirmed with HRM and Halifax Water in conjunction with the completion of the SPS process.

6.0 Scheduling

The SPS process will generally take between 18 and 24 months to complete, inclusive of all deliverables outlined above, commencing immediately following Council's approval to support the recommendations outlined in Section 1.0.

7.0 Conclusion

We trust that this Letter of Understanding outlines project deliverables and our planning rationale to officially initiate the SPS process as outlined above. We look forward to the opportunity to work with HRM Staff, Council and members of the public through the Port Wallace SPS process.

Yours Truly,
WSP Canada Inc. on behalf of the Port Wallace Land Owners

Original Signed

Greg Zwicker, MCIP, LPP
Manager – Planning

902.835.9955

GOZ/kaf
Enclosures

CC: Deputy Mayor Darren Fisher, HRM Regional Council
Kim Conrad, CONRAD BROTHERS LTD.
Chris Miller, ARMCO CAPITAL INC.
Wayne Whebby, W. ERIC WHEBBY LTD.

Port Wallace Land Suitability and Capacity Analysis

The Shubenacadie Lakes Sub-watershed Study was prepared by AECOM on behalf of HRM as background to prepare a secondary plan for Port Wallace. The purpose of the watershed study was primarily intended to determine the carrying capacity of the watershed to meet defined the water quality objectives for the Shubenacadie Lakes Sub-watershed. The study recommended that the present trophic status of the lakes within the study area be maintained.ⁱ The Study predicted that Grand Lake, Cranberry Lake and Lake William would exceed its trophic status with the development of Port Wallace and all other proposed development within the watershed without advanced stormwater management among other measures to reduce impact on the Shubenacadie Lakes.

AECOM was also contracted to conduct hydraulic modeling and floodplain mapping of the Lake Charels, Lake Micmac, Lake Banook, Redbridge Pond and Sullivan's Pond sub-watersheds. The purpose of this study was to develop a stormwater model to support the storm sewer/culvert renewal project to rehabilitate the outfall pipe system at Sullivan's Pond. The model was applied to existing and future land use under current and climate change conditions. The Study concluded that future land use under current climate and climate change conditions would exceed the road crossing upstream of Lock 2 (above Lake Micmac) and the pipe capacity and overtop the road in the second reach of the outfall pipe downstream of Sullivan's Pond.

The CBCL Cost of Servicing Plan outlined the need for new road, water and sewer infrastructure in Port Wallace and the surrounding area.ⁱⁱ One of the infrastructure requirements that will affect the layout of future development in the Port Wallace Area is the need for a new interchange at the southeast corner of the site on Highway 107. The Neill and Gunter (2006) Port Wallace Forcemain and Watermain Study outlines the need for a utility corridor south of the Port Wallace Study Area for water and sewer. There is also a desire by the gas and power utilities to use this corridor.

A land suitability and **capacity** analysis is required to determine the areas of cultural and environmental importance within the Port Wallace Study Area before alternative concept plans are prepared for future development (Map 1). The analysis should take place on two scales with detailed level work undertaken in the Port Wallace Study Area and reconnaissance level work undertaken in the Lake Charles/ Dartmouth Lakes/ Topsail Lake sub-watersheds (Map 1). Within the Port Wallace Study Area, field investigations should be undertaken by specialists trained to delineate the features that should be protected. Within the Lake Charles/ Dartmouth Lakes/ Topsail Lake sub-watersheds, analysis can be undertaken from published sources of data to gain an understanding of how the environmental and cultural systems on the site connect to the surrounding area.

Matters to be included in the Land Suitability Assessment include the following:

1. **Natural Systems/Critical Areas** - natural environmental features and engineered structures (canals, dams, etc.) critical to habitat conservation, natural hydrological functions and natural corridor connections. Critical ecological functions include natural services such as water recharge, filtration, and flood retention that will need special

management and should be identified in advance to avoid impacts on the Dartmouth Lakes, Lake Charles, Topsail Lake and Shubenacadie Lakes sub-watersheds.

2. **Natural Hazards Areas** – areas of engineering constraint and high mitigation costs that should be avoided if they are subject to flooding, have steep slopes, prone to subsidence or any other potential environmental hazard.
3. **Heritage Areas** – areas of unique natural and cultural heritage that should be protected if they are important to conserve in the context of the Port Wallace and surrounding area. In particular, have regard to the need to maintain connectivity and avoid impact on the Dartmouth Lakes and Shubenacadie Canal System as a National Civil Engineering Historic Site.
4. **Connectivity/Mobility** – areas of natural and engineered corridors that provide important connections within and to the surrounding area. These include areas that provide corridors and areas that function or have the capability of functioning as part of a recreation and transportation (pedestrian, cyclist, transit, motorist) network. Specific consideration shall be made to the need for a new interchange on Highway 107 and Utility Corridor (water, sewer, gas, electricity) through Shubenacadie Park.
5. **Cultural Areas** – areas that include natural and built features that should be protected if they are important to the retention of the culture and natural heritage of the Port Wallace Area and surrounding area (the Dartmouth Lakes, Lake Charles, Topsail Lake and Shubenacadie Lakes sub-watersheds).
6. **Land Use Areas** – areas suitable for the provision of employment, schools, recreation and leisure services.
7. **Infrastructure Capacity** – the capacity of local and offsite storm, water, sewer and transportation systems to accommodate anticipated growth in the Port Wallace Study Area and the need for improvements and new infrastructure to accommodate anticipated growth. The Consultant should take into account the recommendations and findings of the previous studies identified in the background section along with any other relevant reports or information obtained from all relevant regulatory agencies. In particular the Consultant shall seek confirmation from the Halifax Regional Water Commission and the Nova Scotia Department of Environment on the stormwater management requirements for major hydraulic flows and the capacity of local stormwater systems.

ⁱ The Study recommended that Grand Lake and Lewis Lake be maintained at an oligotrophic level in terms of water quality. The study also recommended that lake Charles, Micmac, Banook, First, Second, Third, Thomas, Fletcher, Tucker, Kinsac, Barrett, and Powder Mill, Loon, William, Rocky, Springfield and Cranberry lakes be maintained at a mesotrophic level.

ⁱⁱ The costs within this report should be re-evaluated – based on recent estimates for the oversizing of the Kearney Lake trunk sewer to accommodate the Sandy Lake Lands.