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Halifax, Nova Scotia  
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**Item No.**  
**North West Community Council**  
**November 17, 2014**

**TO:** Chair and Members of North West Community Council

**SUBMITTED BY:** Original signed  
Bob Bjerke, Director of Planning and Development

**DATE:** October 20, 2014

**SUBJECT:** Case 19503 – Non-Substantive Amendment to the Timber Trail Mobile Home Park Development Agreement, Hammonds Plains

**ORIGIN**

Application by Timber Trail Homes Limited.

**LEGISLATIVE AUTHORITY**

*Halifax Regional Municipality Charter, Part VIII, Planning & Development*

**RECOMMENDATION**

It is recommended that North West Community Council:

1. Approve, by resolution, the proposed Amending Agreement as set out in Attachment A of this report, to allow the development of Phase 2 at the Timber Trail Mobile Home Park, Hammonds Plains; and
2. Require the Amending Agreement be signed by the property owner within 120 days, or any extension thereof granted by Council on request of the property owner, from the date of final approval by Council and any other bodies as necessary, including applicable appeal periods, whichever is later; otherwise this approval will be void and obligations arising hereunder shall be at an end.

## **BACKGROUND**

Timber Trail Mobile Home Park is an existing residential land use located on the Lucasville Road within the community of Hammonds Plains. A development agreement was approved in 2008 by North West Community Council for the expansion of the Timber Trail Mobile Home Park. The expansion was divided into two sections, Phase 1 which contains 154 mobile home sites and Phase 2 which contains 24 mobile home sites. The purpose of this application is to enable the development of Phase 2 (as identified on Map 3 –Schedule B of the existing agreement).

In accordance with Section 6.2.1(c) of the existing agreement, the development of Phase 2 can only be considered through the non-substantive amendment process. A non-substantive amendment may be approved through a resolution of Council without a Public Hearing.

### ***Location, Designation, Zoning and Surrounding Land Use:***

<b>Subject Properties</b>	Timber Trail encompasses 3 parcels of land (PID No's 40202814, 40599235 and 40202764) as shown on Map 1 and 2. First Street through Tenth Street are within this development
<b>Location</b>	On the Lucasville road between Cranley Road and Waterstone Run (Map 1)
<b>Site Area</b>	The entire development is approximately 90.5 acres (36.6 ha) in size, however Phase 2 consists of approximately 5 acres (2 ha)
<b>Regional Designation</b>	Rural Commuter under the Regional Plan
<b>Community Designation</b>	MU-B (Mixed Use B) under the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy (MPS) (Map 1)
<b>Zoning</b>	MU-1 (Mixed Use 1) under the Beaver Bank, Hammonds Plains and Upper Sackville Land Use By-law (LUB) (Map 2)
<b>Surrounding Uses</b>	Single unit dwellings on Newbury Road to the West, a private off-leash dog park, single unit dwellings and vacant lands to the north, vacant land to the west, parking lot for vehicle storage (school buses) and accessory buildings to the south (Map 2)
<b>Current Use(s)</b>	Timber Trail Mobile Home Park (currently consisting of 233 mobile homes and a sewage treatment plant)

## **DISCUSSION**

Unlike many developments which require phases to proceed in a specific sequence, the Timber Trail expansion was divided into two phases to address the potential need for a road connection. At the time the existing agreement was negotiated and approved it was uncertain if the lands identified as Phase 2 would be required to facilitate a through street connection from the Lucasville Road to an existing road reserve on Newbury Road (as identified on Map 1 and 2). Therefore, the agreement contained a provision for the necessary Phase 2 lands to be deeded to the municipality if the connection was necessary or to be developed as per the agreement if a connection was deemed unnecessary. HRM Regional Transportation staff has recently determined that a road connection in this location is unnecessary and the applicant is seeking approval to enable the development of Phase 2 to proceed.

### ***Enabling Policy***

The subject site is designated MU-B (Mixed Use B) under the Beaver Bank, Hammonds Plains and Upper Sackville MPS. This development was enabled in 2008 under policies P-19, P-18 and P-137 which have since remained unchanged. Staff advise that the construction of Phase 2 is consistent with the existing agreement and the applicable policies P-19, P-18 and P-137 as contained in the original staff report in 2008.

***North West Planning Advisory Committee***

The North West Planning Advisory Committee (NWPAC) reviewed this application on October 1, 2014, and passed a motion in support of the proposed application to enable the development of Phase 2. A report from the NWPAC will be provided to Community Council under separate cover.

**FINANCIAL IMPLICATIONS**

There are no budget implications. The Developer will be responsible for all costs, expenses, liabilities and obligations imposed under or incurred in order to satisfy the terms of this Agreement. The administration of the agreement can be carried out within the approved budget with existing resources.

**COMMUNITY ENGAGEMENT**

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy.

The level of community engagement was information sharing achieved through information on the HRM website. A public information meeting is not required for a non-substantive amendment to a development agreement, nor is a public hearing. The decision of a non-substantive amendment is made by resolution of Council.

The proposed amending agreement will potentially impact the following stakeholders but not limited to local residents and property owners.

**ENVIRONMENTAL IMPLICATIONS**

No environmental implications have been identified.

**ALTERNATIVES**

1. Council may choose to refuse to approve the amending agreement and, in doing so, must provide reasons why the agreement does not reasonably carry out the intent of the MPS. This is not recommended for the reasons discussed above. A decision of Council to reject this amending agreement is appealable to the N.S. Utility & Review Board as per Section 262 of the HRM Charter.
2. Council may choose to approve the proposed amending agreement subject to modifications. This may necessitate further negotiations with the applicant and a supplementary staff report.

**ATTACHMENTS**

Map 1	Generalized Future Land Use Map
Map 2	Zoning Map
Map 3	Schedule B from the Existing Agreement
Attachment A	Proposed Amending Agreement
Attachment B	Applicable MPS Policies

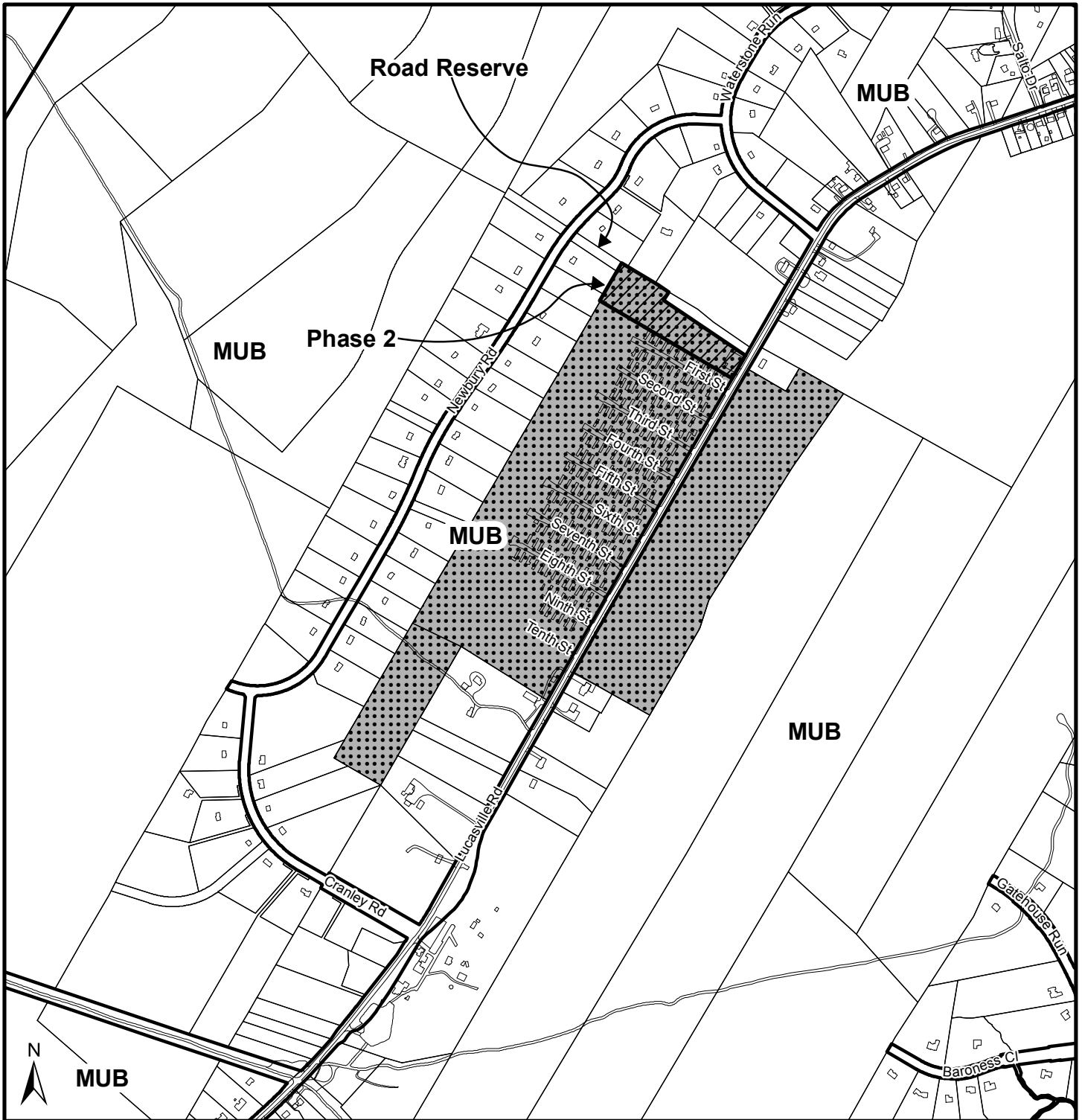
2008 Staff Report: [http://www.halifax.ca/boardscom/documents/\\_0930091401\\_001.pdf](http://www.halifax.ca/boardscom/documents/_0930091401_001.pdf)

A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/index.php> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 902.490.4210, or Fax 902.490.4208.

Report Prepared by: Jacqueline Belisle, Planner I, Development Approvals 902.490.6704

Report Approved by: Original signed  
Kelly Denty, Manager of Development Approvals, 902-490-4800

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**Map 1 - Generalized Future Land Use**

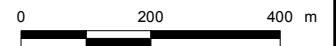
Timber Trails Mobile Home Park  
 Lucasville Road, Hammonds Plains

**HALIFAX**

 Existing Development Agreement

**Designations**

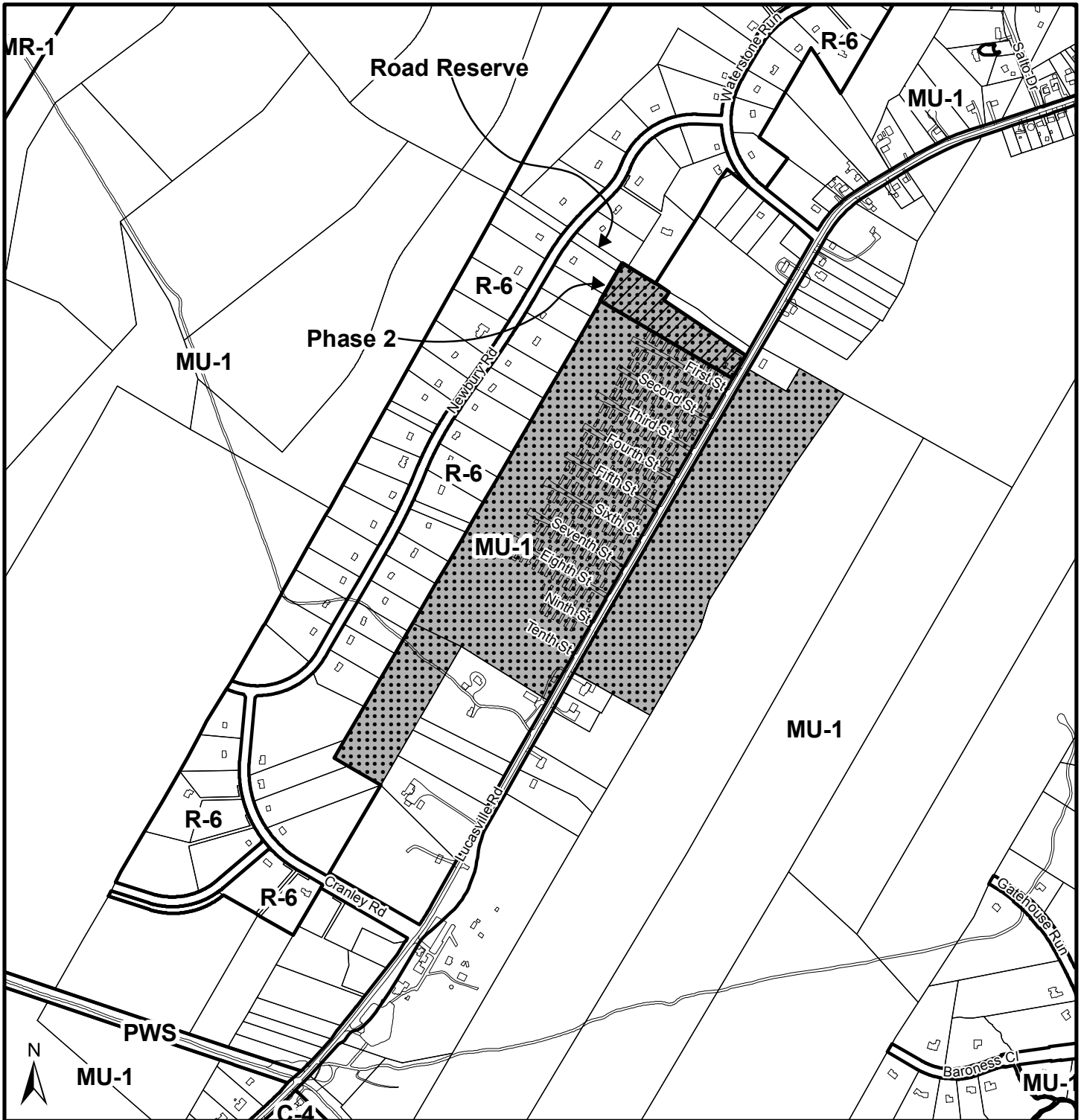
MU-B Mixed Use B



This map is an unofficial reproduction of a portion of the Generalized Future Land Use Map for the plan area indicated.

The accuracy of any representation on this plan is not guaranteed.

Beaver Bank, Hammonds Plains and Upper Sackville Plan Area

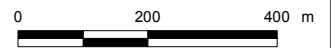


**Map 2 - Zoning**

Timber Trails Mobile Home Park  
 Lucasville Road, Hammonds Plains

 Existing Development Agreement

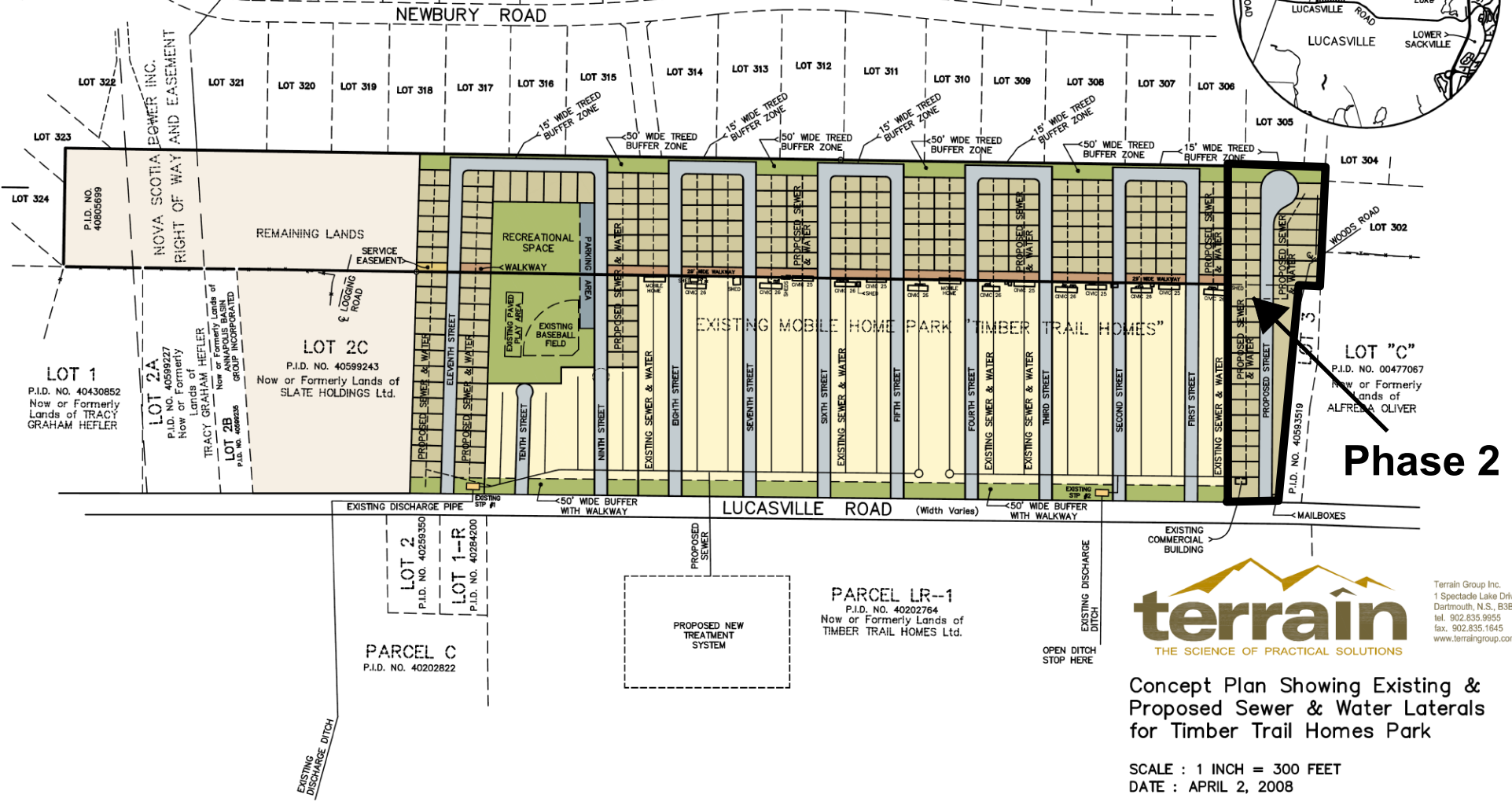
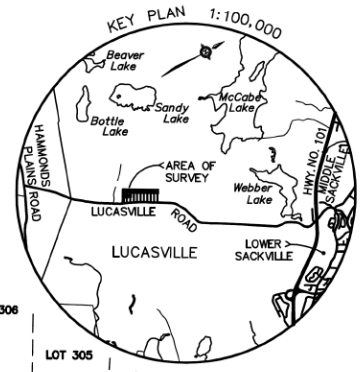
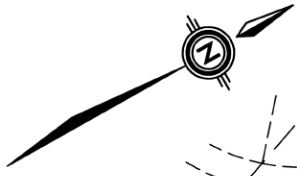
- Zones**
- R-6 Rural Residential
  - C-4 Highway Commercial
  - MU-1 Mixed Use 1
  - MR-1 Mixed Resource
  - PWS Protected Water Supply



This map is an unofficial reproduction of a portion of the Zoning Map for the plan area indicated.

The accuracy of any representation on this plan is not guaranteed.

Beaver Bank, Hammonds Plains  
 and Upper Sackville By-Law Area



# Phase 2



Terrain Group Inc.  
 1 Spectacle Lake Drive  
 Dartmouth, N.S., B3B 1X7  
 tel. 902.835.9955  
 fax. 902.835.1645  
 www.terraingroup.com

Concept Plan Showing Existing & Proposed Sewer & Water Laterals for Timber Trail Homes Park

SCALE : 1 INCH = 300 FEET  
 DATE : APRIL 2, 2008

Map 3: Schedule B  
 Proposed Concept Plan

**HALIFAX**

**ATTACHMENT A:**  
**Proposed Amending Agreement**

THIS AMENDING AGREEMENT made this      day of **[Insert Month]**, 2014,

BETWEEN:

**[Insert Name of Corporation/Business LTD.]**  
a body corporate, in the Province of Nova Scotia  
(hereinafter called the "Developer")

OF THE FIRST PART

- and -

**HALIFAX REGIONAL MUNICIPALITY**  
a municipal body corporate, in the Province of Nova Scotia  
(hereinafter called the "Municipality")

OF THE SECOND PART

WHEREAS the Developer is the registered owner of certain lands located at Lucasville Road (PID 40202814, 40844870 and 40202764) in Hammonds Plains, and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

AND WHEREAS the North West Community Council of the Halifax Regional Municipality approved a Development Agreement with Timber Trail Homes Limited to allow for an expansion of the Timber Trail Mobile Home Park on November 27, 2008 (Municipal Case No. 00908), which said Development Agreement was registered at the Halifax County Land Registration Office as Document No. 94961910 (hereinafter called the "Existing Agreement");

AND WHEREAS the North West Community Council of the Municipality, at its meeting on September 9, 2012, approved, by resolution, the partial discharge of that portion of the existing Development Agreement as it applies to 958 Lucasville Road to allow for the development of a single unit dwelling and filed in Halifax County Land Registration Office as Document Number 101558527;

AND WHEREAS the Developer has requested an amendment to the provisions of the Existing Agreement to allow the development of Phase 2 as shown on Schedule B of the Existing Agreement pursuant to the provisions of the Halifax Regional Municipality Charter and pursuant to the Existing Agreement;

AND WHEREAS the North West Community Council of the Halifax Regional Municipality approved this request at a meeting held on [Insert-Date], referenced as Municipal Case No. 19503;

THEREFORE, in consideration of the benefits accrued to each party from the covenants herein contained, the Parties agree that the Existing Agreement be amended as follows:

1. Delete Section 3.5.2 and Section 3.5.3 and replace it with new Section 3.5.2 as follows:



Section 3.5.2 In accordance with Section 6.2.1(c), the development of Phase 2, as shown on Schedule B may proceed as the road reserve connecting Newbury Road to Lucasville Road has been deemed unnecessary by the Municipality.

**IN WITNESS WHEREAS** the said parties to these presents have hereunto set their hands and affixed their seals the day and year first above written.

**SIGNED, SEALED AND DELIVERED** in the presence of:

**(Insert Registered Owner Name)**

\_\_\_\_\_  
Witness

Per: \_\_\_\_\_

**SIGNED, DELIVERED AND ATTESTED** to by the proper signing officers of Halifax Regional Municipality, duly authorized in that behalf, in the presence of:

**HALIFAX REGIONAL MUNICIPALITY**

\_\_\_\_\_  
Witness

Per: \_\_\_\_\_  
MAYOR

\_\_\_\_\_  
Witness

Per: \_\_\_\_\_  
MUNICIPAL CLERK

**ATTACHMENT B:**  
**Applicable MPS Policies**

Mobile Home Parks - Mixed Use B and C Designations

Within the Mixed Use B and C Designations, expansion of existing parks or new mobile home park development is considered an appropriate land use where external effects are minimal and where a positive living environment is provided to tenants.

At the present time there are two mobile home parks within these Mixed Use Designations, Timber Trails on the Lucasville Road and Springfield Estates in Upper Sackville. Timber Trails, often praised as one of the best parks in Halifax Regional Municipality, has recently expanded and contains approximately 250 mobile homes. The Springfield Estates Mobile Home Park contains 160 mobile homes. The sewage treatment plant servicing this park is presently experiencing difficulties and there is some evidence to suggest that the capacity of the plant is insufficient to adequately treat the volume of effluent it receives. There are also problems with the park's water distribution system, especially with regard to water quality.

Due to their relatively high density and the physical appearance of the units themselves, there is a desire to maintain an adequate separation distance between mobile home parks and more conventional residential development in order to encourage a harmonious relationship between the two. In addition, maintaining adequate separation from highway commercial and industrial uses to mobile home park development will help to ensure a higher quality residential environment for park residents.

- P-19 Within the Mixed Use B and C Designations, it shall be the intention of Council to consider permitting new mobile home parks as well as expansions to existing parks, by development agreement and according to the provisions of the Municipal Government Act. In considering such uses Council shall, in addition to the considerations identified in Policy P-18, have regard to the following:
- (a) that the proposed development not be located within two hundred feet of a R-1(Single Unit Dwelling), C-4(Highway Commercial), I-1 (Mixed Industrial) or I-4 (Sanitary Landfill Site) Zone;
  - (b) that the mobile home park shall not require access through a R-1(Single Unit Dwelling) zone; and
  - (c) the provisions of Policy P-137.
- P-18 Within the Mixed Use A Designation, it shall be the intention of Council to establish a R-3a (Mobile Home Park) Zone, which permits Woodbine mobile home park. Within the mobile home park zone, Council may consider permitting an expansion of the existing mobile home park, by development agreement and according to the provisions of the Municipal Government Act and with regard to the following:
- (a) the adequacy of existing park services including sewer and water systems, recreation facilities, road and general park maintenance, garbage collection and street lighting;
  - (b) the effect which any extension would have upon the level or quality of services in the existing park;
  - (c) the ability of education facilities, protection services, and recreation facilities to adequately service the increased demands of the additional development, or to respond with the provision of additional services;
  - (d) the provision of landscaping or buffering from adjacent land uses in order to protect the privacy, reasonable use and enjoyment of those properties;
  - (e) the provision of landscaping or buffering from the public road to which it has access;
  - (f) stormwater planning;
  - (g) the impact of the extension on internal and external traffic circulation patterns;
  - (h) park layout and design including the design of the internal road network and separation distances from maintenance buildings and sewage treatment plants;
  - (i) where any new sewage treatment plant is proposed, the location and level of treatment of the sewage treatment plant;

- (j) the provisions of the Mobile Home Park By-law;
- (k) the provisions of Policies P-91 and P-137; and
- (l) that the total number of mobile dwellings permitted within the park shall not exceed the maximum number of units capable of being serviced by the sewage flows assigned to the park's sewage transfer system under the servicing agreement signed in 1994.

- P-137 In considering development agreements and amendments to the land use by-law, in addition to all other criteria as set out in various policies of this Plan, Council shall have appropriate regard to the following matters:
- (a) that the proposal is in conformity with the intent of this Plan and with the requirements of all other municipal by-laws and regulations;
  - (b) that the proposal is not premature or inappropriate by reason of:
    - (i) the financial capability of the Municipality to absorb any costs relating to the development;
    - (ii) the adequacy of central or on-site sewerage and water services;
    - (iii) the adequacy or proximity of school, recreation or other community facilities;
    - (iv) the adequacy of road networks leading or adjacent to or within the development; and
    - (v) the potential for damage to or for destruction of designated historic buildings and sites.
  - (c) that controls are placed on the proposed development so as to reduce conflict with any adjacent or nearby land uses by reason of:
    - (i) type of use;
    - (ii) height, bulk and lot coverage of any proposed building;
    - (iii) traffic generation, access to and egress from the site, and parking;
    - (iv) open storage;
    - (v) signs; and
    - (vi) any other relevant matter of planning concern.
  - (d) that the proposed site is suitable in terms of the steepness of grades, soil and geological conditions, locations of watercourses, marshes or bogs and susceptibility to flooding.
  - (e) **Within any designation, where a holding zone has been established pursuant to “Infrastructure Charges - Policy P-81”, Subdivision Approval shall be subject to the provisions of the Subdivision By-law respecting the maximum number of lots created per year, except in accordance with the development agreement provisions of the MGA and the “Infrastructure Charges” Policies of this MPS. (RC-Jul 2/02;E-Aug 17/02)**