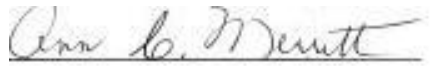


North West Community Council
November 24, 2011 (First Reading)
January 9, 2012 (Public Hearing)

TO: Chair and Members of North West Community Council

SUBMITTED BY: 
Ann Merritt, Chair, North West Planning Advisory Committee

DATE: November 10, 2011

SUBJECT: Case 16666: Development Agreement for Bedford West Sub Area 9

ORIGIN

North West Planning Advisory Committee Meeting – November 10, 2011

RECOMMENDATION

It is recommended that the North West Planning Advisory Committee recommend that North West Community Council:

1. Give Notice of Motion to consider the proposed development agreement as provided in Attachment A, and schedule a joint public hearing with Chebucto Community Council;
2. Approve the proposed development agreement as set out in Attachment A of this report to permit a mixed use subdivision for Bedford West Sub Area 9, Larry Uteck Boulevard, Bedford and Halifax; and
3. Require the 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

At its meeting on November 10, 2011 the Committee reviewed and discussed the proposed Development Agreement pertaining to Sub Area 9 of the Bedford West Master Plan Area; a component of the Bedford West Secondary Planning Strategy (SPS). The Committee recommends that North West Community Council approve the proposed Development Agreement as set out in the staff report dated October 18, 2011.

BUDGET IMPLICATIONS

None associated with this report

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

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

COMMUNITY ENGAGEMENT

As per staff report dated October 18, 2011

ALTERNATIVES

1. North West and Chebucto Community Councils may choose to approve the agreement as contained in Attachment A of the staff report dated October 18, 2011. This is the recommended course of action as the proposed development agreement meets the overall intent of the Bedford West Secondary Planning Strategy found in the Bedford and Halifax Municipal Planning Strategies.
2. Alternatively, North West and Chebucto Community Councils may choose to approve the terms of the agreement as contained in Attachment A of the staff report dated October 18, 2011, with modifications or conditions. Some modification or conditions may require additional negotiation with the developer and may require an additional public hearing.
3. North West and Chebucto Community Councils may choose to refuse the agreement. Pursuant to Section 245(6) of the Halifax Regional Municipality Charter, Council must provide reasons to the applicant justifying this refusal, based on policies of the Bedford West Secondary Planning Strategy and Bedford Municipal Planning Strategy. This alternative is not recommended for the reason outlined in the staff report dated October 18, 2011.

ATTACHMENTS

Staff report dated October 18, 2011

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

Report Prepared by: Donna Honeywell, Admin/PAC Coordinator 490-4937

Item #
North West Planning Advisory Committee
November 10, 2011
Chebucto Community Council
December 5, 2011

TO: Chair and Members of North West Planning Advisory Committee

SUBMITTED BY:



Phil Townsend, Director, Planning and Infrastructure

DATE: October 18, 2011

SUBJECT: Case 16666: Development Agreement for Bedford West Sub Area 9

ORIGIN

Application by Cresco Holdings Limited to enter into a development agreement to permit a mixed use (residential and commercial) subdivision for Sub Area 9 of the Bedford West Master Plan Area.

RECOMMENDATION

North West Planning Advisory Committee:

It is recommended that the North West Planning Advisory Committee recommend that North West Community Council:

1. Give Notice of Motion to consider the proposed development agreement as provided in Attachment A, and schedule a joint public hearing with Chebucto Community Council;
2. Approve the proposed development agreement as set out in Attachment A of this report to permit a mixed use subdivision for Bedford West Sub Area 9, Larry Uteck Boulevard, Bedford and Halifax; and
3. Require the 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.

Chebucto Community Council:

It is recommended that the Chebucto Community Council:

1. Give Notice of Motion to consider the proposed development agreement as provided in Attachment A, and schedule a public hearing with North West Community Council;
2. Approve the proposed development agreement as set out in Attachment A of this report to permit a mixed use subdivision for Bedford West Sub Area 9, Larry Uteck Boulevard, Bedford and Halifax; and
3. Require the 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.

EXECUTIVE SUMMARY

Cresco Holdings Limited is seeking approval of a development agreement pertaining to Sub Area 9 of the Bedford West Master Plan Area; a component of the Bedford West Secondary Planning Strategy (SPS). In 2006, Regional Council selected the Bedford West area to be one of the main urban growth areas in the Municipality for the next 25 years. The lands, illustrated on Map 1, encompass 38.4 acres (15.54 hectares) to the west of Highway 102, northeast of Kearney Lake Road and south and southeast of the new Highway 102 interchange at Larry Uteck Boulevard.

The development proposal integrates parks and open space with multi-unit dwellings as well as general commercial land uses. The proposed development agreement (Attachment A) reflects this mix of uses and includes terms pertaining to environmental protection, land development, parks and open space, the provision of municipal services and phasing. Further, the agreement is subject to capital cost contribution charges by the developer to the Municipality for transportation improvements and in the future, to Halifax Water for sewer and water improvements.

A Public Information Meeting was held on January 13, 2011 to discuss the proposed development. Attachment D of this report contains a summary of this meeting. The proposed Stormwater Master Plan was reviewed by the Bedford Waters Advisory Board on September 8, 2010. The Board also reviewed the configuration and land uses proposed for the development on February 9, 2011. The Board provided positive recommendations (Attachment E and F) on the proposed Stormwater Management Plan and the proposed development. In summary, staff is recommending approval of the proposed development agreement (Attachment A) as it complies with the relevant policies for the Bedford West Secondary Planning Strategy located in the Bedford and Halifax Municipal Planning Strategies (MPS's) (Attachment B and C).

BACKGROUND

In 2006, Regional Council approved the Bedford West SPS which provides guidance for the development of a new community on the west side of Highway 102 in the vicinity of the Hammonds Plains and Kearney Lake Roads. The goal of the strategy is to enable residential and commercial development which is cost effective for the municipality to service. It is anticipated that the Bedford West area will house a significant portion of HRM's urban growth over the next twenty-five years. The Secondary Plan includes objectives and policies pertaining to environmental protection, municipal services and land use and is divided into 12 Sub Areas which are illustrated on Map 4. Most developments are required to be developed through a negotiated development agreement, subject to the terms of the SPS.

Since 2008 several development agreements have been approved by the North West Community Council for lands within the Bedford West SPS. These approvals include agreements for Sub Areas 2, 3 and 4 and most recently Sub Area 5 (Case 16104 and Case 16775).

As part of previous applications (Case 16104/16106) approved in 2011, several SPS amendments were approved by Regional Council to modify the boundaries of Sub Area 5 and 9. Further these applications also expanded the proposed land use plan (Community Concept Plan) to encompass the entirety of these Sub Areas.

Cresco Holdings has applied to enter into a development agreement for Sub Area 9. Sub Area 9 encompasses approximately 38.4 acres (15.54 hectares) and is illustrated on Map 1 and 2. Cresco Holdings currently owns all the land holdings in the Sub Area, with the exception of right-of-way for the Larry Uteck Boulevard interchange which is owned by the Province and a small portion used by Nova Scotia Power for the transmission of power. The proposed agreement covers the portion of lands owned by Cresco Holdings Limited.

Existing Zoning

The subject property is governed by both the Halifax and Bedford MPS's and Land Use By-Laws (LUB's) and each document includes similar policies (Attachment B and C) and land use regulations (zones). The subject lands are designated Bedford West Secondary Planning Strategy (BWSPS) under the BWSPS and zoned Bedford West Comprehensive Development District (BWCD) Zone (Map 1 and 2). All development in Sub Area 9 is subject to the negotiation of a development agreement and Community Council approval.

Surrounding Land Uses

Lands to the southwest are developed as a series of single unit dwellings on larger suburban unserviced lots along Kearney Lake Road. To the north is Highway 102 and lands adjacent Highway 102 are partially vacant (subject to a development agreement for residential development (Paper Mill Lake) and partially developed as a residential subdivision (Bedford South and Oceanview Drive). Lands to the east are undeveloped and are vacant and are subject to the negotiation of a future development agreement for a residential development (Bedford West Sub Area 10). Lands to the west are subject to a development agreement for a residential subdivision (Bedford West Sub area 5).

Proposal

A mixture of multiple unit dwellings, general commercial, parkland and other open space uses are proposed. Plans illustrating key elements of the project such as municipal services, park dedications, trails and development phasing are found in Schedules B to Q of the development agreement (Attachment A).

The development is comprised of two key components: a general commercial area and two medium to high density residential areas:

General Commercial

Approximately 17.8 acres (7.2 ha) of the development is intended for general commercial purposes and will house a mix of highway and general commercial land uses. This is intended to house land uses that are more car oriented than in other commercial areas of Bedford West. Commercial land uses are permitted to a height of 50 ft (15.24m) and a maximum lot coverage of fifty percent.

Residential

The remaining lands which can be developed, which cover approximately 12.48 acres (5.05 ha), are intended to accommodate medium to high density residential development. The concept submitted is proposing approximately 324 dwelling units in three buildings. One building is proposed at six storeys, while the other two are proposed at twelve storeys.

Parkland and Open Space

Approximately 2.67 acres (1.08 ha) of the site is reserved specifically for parkland and another 5.7 acres (2.3 ha) is set aside as a conservation area. In addition to the land dedication, the developer is proposing the construction of a trail of approximately 728 feet (222 metres) in length to form a future connection to Sub Area 10 from the General Commercial area of Sub area 9. Further, additional money or improvements may be accepted by the Municipality should the developer fall short of dedications required under the Regional Subdivision By-Law.

DISCUSSION

An evaluation of the development proposal against the policy criteria of the Secondary Plan is presented as Attachments B and C. Staff has identified the following areas for specific discussion:

Environmental Protection: The Bedford West SPS includes policies which require significant environmental protection. In compliance with the SPS, the following measures have been completed:

- A master stormwater management plan and water quality monitoring program have been prepared, reviewed by the Bedford Watershed Advisory Board and incorporated into the development agreement.
- Watercourses on the property, including wetlands greater than 2000 m² (21528 ft²), have been identified and will be confirmed onsite. The lands abutting watercourses have been

designated as riparian buffer where limited disturbance is permitted in accordance with the Regional Plan and SPS.

- A tree replanting program is mandated in accordance with the directive of the Secondary Planning Strategy and is incorporated through a street tree planting program required by Municipal road construction standards and through additional planting required on commercial and multi-unit residential properties.

Regional Municipal Services: The development of Sub Area 9 requires a significant extension of municipal sewer services. Existing sewer services currently end near Kearney Lake Road and Highway 102. Sewer service must be extended along Kearney Lake Road, past and through several undeveloped Sub Areas of Bedford West to eventually reach a new sewer pump station located in the adjacent Sub Area 5.

The NS Utility and Review Board (NSUARB) controls approval of significant Halifax Water programs requiring the expenditure of significant funds and the collection of Capital Cost Charges. It is anticipated that the NSUARB will review and if deemed appropriate, approve the collection of Capital Cost Charges and an implementation program to extend sewer service and water, as noted above. The review process will begin in the Fall of 2011. Occupancy of any development within Sub Area 9 shall not occur until services to the site have been extended.

Local Municipal Services: The Bedford West SPS includes policies which require the provision of sufficient municipal infrastructure. In compliance with the SPS, the following measures have been completed:

- The design of the sewer and water systems has received a recommendation of approval from Halifax Water.
- A series of sidewalks, walkways and secondary trails will be constructed by the applicant at the locations shown on Schedule N of the agreement (Attachment A).
- A 3 metre (9.8 ft.) wide multi-purpose boulevard pathway is also proposed within the road right of way along the Kearney Lake Connector (Larry Uteck Boulevard) collector road. This pathway is proposed as part of a regional trail system that will extend from the existing trail system in Clayton Park. The pathway is an extension of the one required in the development agreement for Sub Area 5.
- No subdivision approval will be granted until capital cost contributions and a sewer extension implementation plan is approved by the NS Utility and Review Board for sewer and water upgrades by Halifax Water.

Regional Road Infrastructure: The Bedford West SPS includes policies which require that a piece of regional road infrastructure is built through Sub Area 9. The Kearney Lake Connector (Larry Uteck Boulevard) will bisect Sub Area 9. The road will connect the new interchange at Highway 102 and Larry Uteck Boulevard to Kearney Lake Road. In compliance with the SPS, the following measures have been included in the development agreement:

- Specifications for the construction of the road are included in the development agreement. The road will be a two lane minor collector road with a 3 metre (9.8 ft.) wide asphalt multi-use trail. The road will be designed and constructed by the developer.
- As the proposed collector road is part of HRM Capital Cost Charge program for Bedford

West, the developer will be reimbursed for a portion of the costs under an Infrastructure Charge Agreement, subject to budget approval by Regional Council.

A question has been raised whether the MPS policy which requires the developer to build the Kearney Lake Connector complies with HRM procurement policy as HRM is a substantial contributor through the Capital Cost Charge program. If procurement rules dictate that HRM must tender the road, alternate procurement and construction arrangements are enabled by the agreement and may be initiated by HRM. If initiated by HRM under the draft agreement, the developer would have to comply with these requirements.

Land Use: The Bedford West SPS includes policies which require the proposed agreement provide good neighbourhood design. In compliance with the SPS, the following measures have been completed:

- Park dedication via land acquisition has been located to serve the recreation needs of the proposed community and aid to conserve natural features worthy of public. The land acquisition does not appear to fully meet the full Park Dedication percentage required by the Regional Subdivision By-Law. Additional funds or development may be required to meet this requirement. The proposed agreement ensures these requirements are met.
- The focus of Sub Area 9 is a large general commercial site. To provide a transition in uses to other residential Sub Areas, multi-unit dwellings on the east and west of the site provide a transition to lower density land uses. Two multiple unit dwellings are permitted to a maximum of twelve habitable storeys plus underground parking and one is permitted to a maximum of six habitable storeys plus underground parking.
- In order to enable consistency throughout the proposed agreement the development agreement uses the Bedford LUB and its standards as the reference point for development, even though a portion of the site is located within the Halifax MPS.

Transportation: The Bedford West area was part of a Master Plan Area studied to determine the impact growth would have on the surrounding community. A detailed traffic study associated with the Master Plan identified where improvements would be required. As growth happens in the area, a series of upgrades will take place to the surrounding road network. The first two major upgrades have taken place with the opening of the interchange at Highway 102 and Larry Uteck Boulevard and a widening to part of Hammonds Plains Road. The construction of a portion of the Kearney Lake Connector is included in this agreement. Future upgrades including the widening of portions of Kearney Lake Road, will happen via a program funded by monies collected through Capital Cost Charges collected from development in the Bedford West area.

Transition between existing residences on Kearney Lake Road: There are several existing residences located on Kearney Lake Road which are located in proximity to the proposed development. The closest home is approximately 165 feet (50.3m) from the closest commercial building. The homes and the development are separated by existing vegetation, a water line and power easement and additional vegetation. On the south east corner of the site, the multi-unit buildings are separated from the existing homes by the proposed public park and Halifax Water utility lands. The land uses are laid out in a manner in which parkland buffers the closest properties. Further the homes are generally located at lower elevations than the commercial properties. This helps provide for additional privacy protection. Through the development of the

site, additional trees will be planted between the commercial development and the power easement. Further, other vegetation will be planted as part of landscaping plans.

Setbacks from Property Lines: Setbacks for buildings have been generally set at one-half the height of the building, a figure that is commonly used. However, setbacks have been varied within the agreement for the two twelve storey residential buildings as shown on Schedule P of Attachment A. Specifically, the setbacks have been permitted at 33 ft. (10.3 m) for the north facing setback adjacent the commercial building, 7.5 ft. (2.3 m) from the property line on the western wall adjacent the walkway/park and 11.5 ft. (3.5m) between the parking podium and the central property line. These setbacks are considered acceptable because they do not have a substantial effect on properties immediately adjacent the buildings and because in the case of the park and utility area, there is limited likelihood that additional buildings will be constructed. Should the developer wish to vary from the proposal shown on Schedule P, they must revert back to the default setback of one-half the height of the building.

School Infrastructure: Concerns have been voiced about the school capacity in the Bedford West and South areas. Because of this concern, please find attached (Attachment G) the Halifax Regional School Board comments regarding schooling in this area.

Conclusion

The proposed mixed use (multiple unit dwellings and general commercial) development is in keeping with the vision of the Bedford West SPS. Staff is satisfied the proposed development reasonably satisfies the relevant policies of the Bedford West SPS. Staff recommends North West Community Council and Chebucto Community Council approve the proposed development agreement as provided in the recommendation section of this report.

BUDGET 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 budget with existing resources.

A portion of the Kearney Lake Connector is located on the lands that would be subject to this development agreement. The construction of the Kearney Lake Connector will be cost shared by HRM according to the implementation plan that was approved by Regional Council. Funding in the amount of \$4,780,000 is included in Capital Project CTU01006 Roadway Oversizing Bedford West CCC for the construction of the connector across these and other lands in the Bedford West Plan Area. Two-thirds of this cost will be recovered from development based charges in accordance with the Capital Cost Contribution that was approved by Regional Council.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

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

COMMUNITY ENGAGEMENT

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement was consultation, achieved through a Public Information Meeting held on August 15, 2010. A public hearing has to be held by Community Councils before they can consider approval of the proposed development agreement.

For the Public Information Meeting, notices were posted on the HRM website, in the newspaper and mailed to property owners within the notification area as shown on Map 3. Attachment D contains a copy of the minutes from the meeting. Further, the proposal was reviewed by the Bedford Waters Advisory Board on September 8, 2010 and February 9, 2011 (copies of the boards' recommendation can be found in Attachments E and F). Should Council decide to proceed with a Public Hearing on this application, in addition to the published newspaper advertisements, property owners within the notification area (shown on Map 3) will be notified.

The proposed development agreement will potentially impact (but not limit to) the following stakeholders: local residents and property owners.

ALTERNATIVES

1. North West and Chebucto Community Councils may choose to approve the agreement as contained in Attachment A. This is the recommended course of action as the proposed development agreement meets the overall intent of the Bedford West Secondary Planning Strategy found in the Bedford and Halifax Municipal Planning Strategies.
2. Alternatively, North West and Chebucto Community Councils may choose to approve the terms of the agreement as contained in Attachment A, with modifications or conditions. Some modification or conditions may require additional negotiation with the developer and may require an additional public hearing.
3. North West and Chebucto Community Councils may choose to refuse the agreement. Pursuant to Section 245(6) of the *Halifax Regional Municipality Charter*, Council must provide reasons to the applicant justifying this refusal, based on policies of the Bedford West Secondary Planning Strategy and Bedford Municipal Planning Strategy. This alternative is not recommended for the reason outlined in this report.

ATTACHMENTS

Map 1:	Generalized Future Land Use Map
Map 2:	Zoning Map
Map 3:	Notification Area
Map 4:	Schedule BW-6 of the Bedford West SPS
Map 5:	Schedule BW-7 of the Bedford West SPS
Attachment A:	Development Agreement
Attachment B:	Policy Review – Bedford MPS
Attachment C:	Policy Review – Halifax MPS
Attachment D:	Public Information Meeting Minutes – January 13, 2011
Attachment E:	Bedford Waters Advisory Board Minutes – September 8, 2010
Attachment F:	Bedford Waters Advisory Board Minutes – February 9, 2011
Attachment G:	Comments from Halifax Regional School Board

REPORTS AVAILABLE UPON REQUEST

Bedford West Master Stormwater Management Plan for Sub Areas 5 and 9.

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

Report Prepared by: Andrew Bone, Senior Planner, 869-4226

Report Approved by:

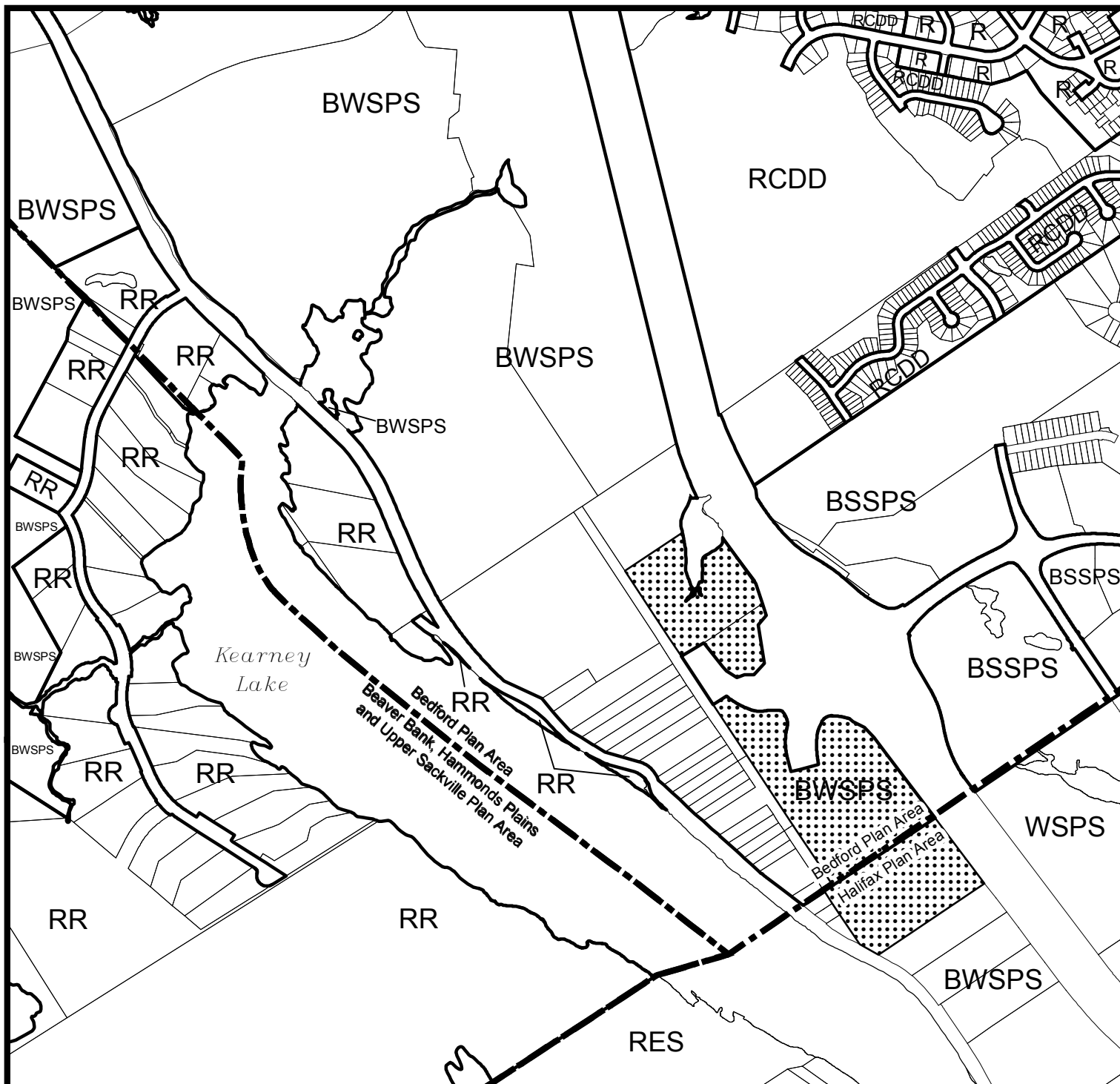


Austin French, Manager of Planning Services, 490-6717

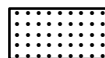
Report Approved by:



James Cooke, CGA, Director of Finance/CFO, 490-6308



Map 1 Generalized Future Land Use

 Subject Area

Bedford Designations

R Residential Designation
RR Residential Reserve Designation
RCDD Residential Comprehensive Development District
BWSPS Bedford West Secondary Planning Strategy
BSSPS Bedford South Secondary Planning Strategy

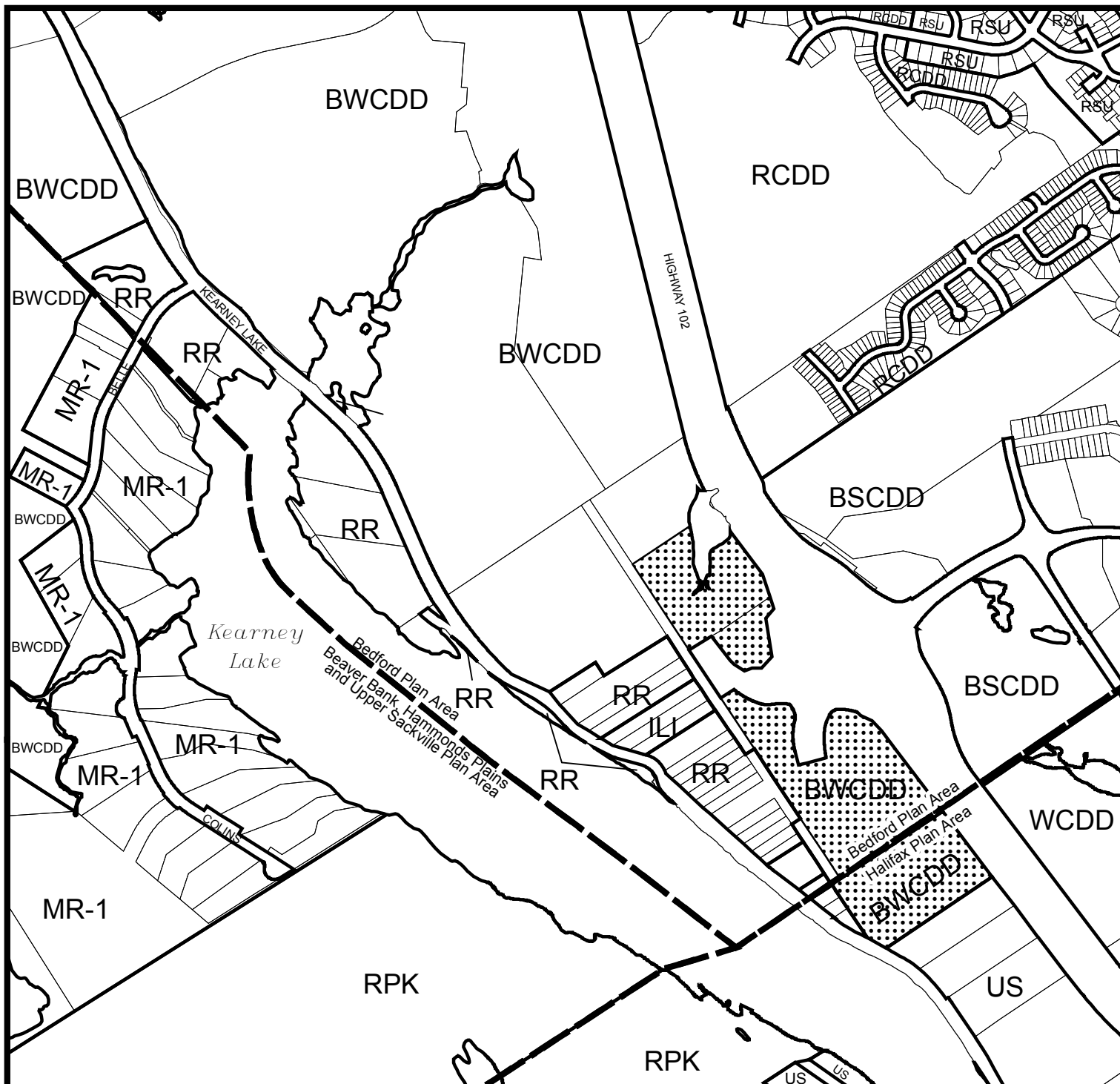
Beaver Bank, Hammonds Plains and Upper Sackville Designations

RR Rural Resource Designation
BWSPS Bedford West Secondary Planning Strategy

Halifax Designations

WSPS Wentworth Secondary Planning Strategy
BWSPS Bedford West Secondary Planning Strategy
RES Residential Environments





Map 2 Zoning



Subject Area

Bedford Zones

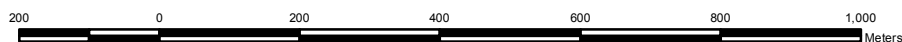
RSU Single Dwelling Unit Zone
RR Residential Reserve Zone
ILI Light Industrial Zone
RCDD Residential Comprehensive Development District
BWCD Bedford West Comprehensive Development District
BSCDD Bedford South Comprehensive Development District

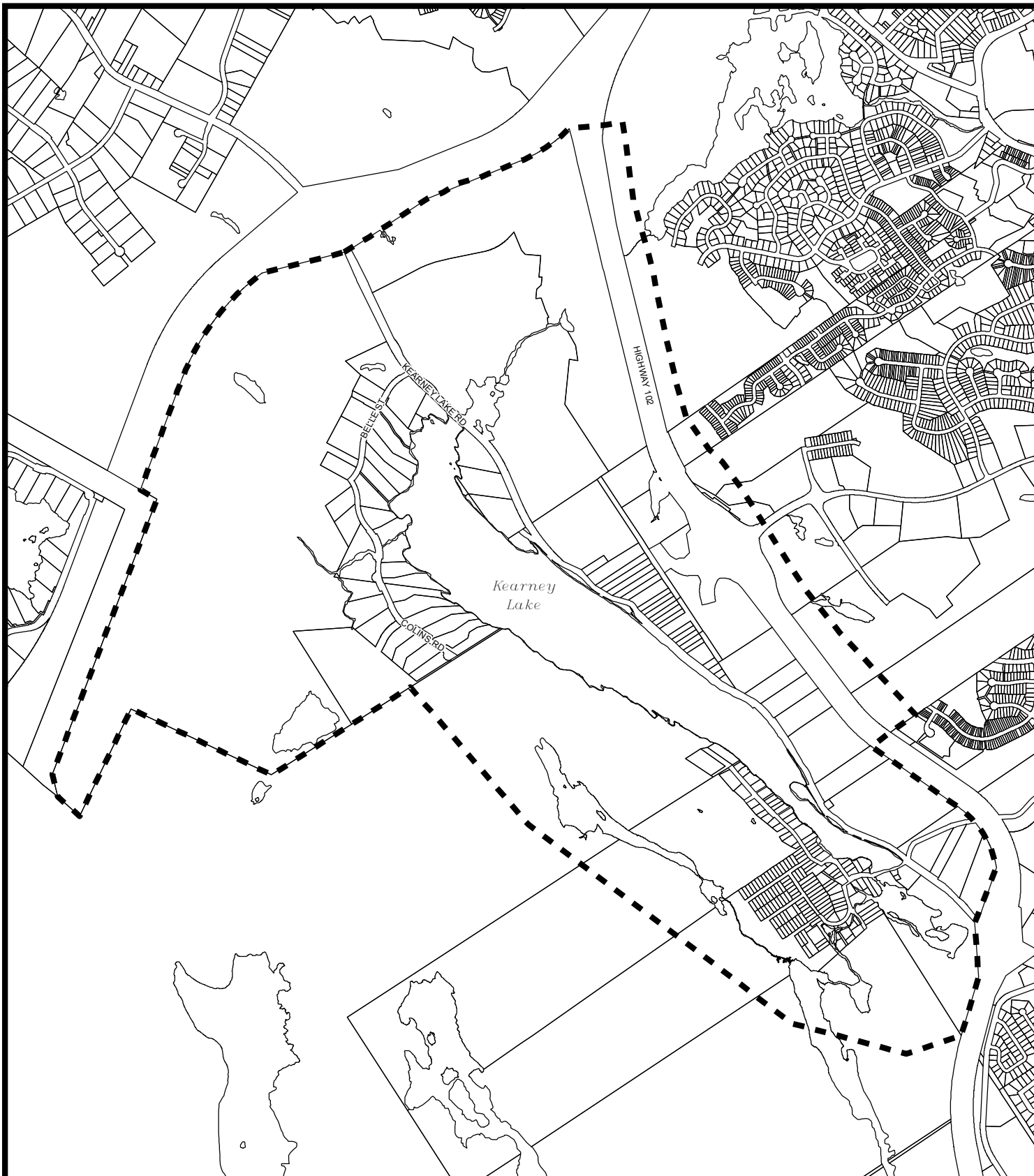
Beaver Bank, Hammonds Plains and Upper Sackville Zones

MR-1 Mixed Resource Zone
BWCD Bedford West Comprehensive Development District
RPK Regional Park Zone

Halifax Zones

US Urban Settlement Zone
WCDD Wentworth Comprehensive Development District
BWCD Bedford West Comprehensive Development District





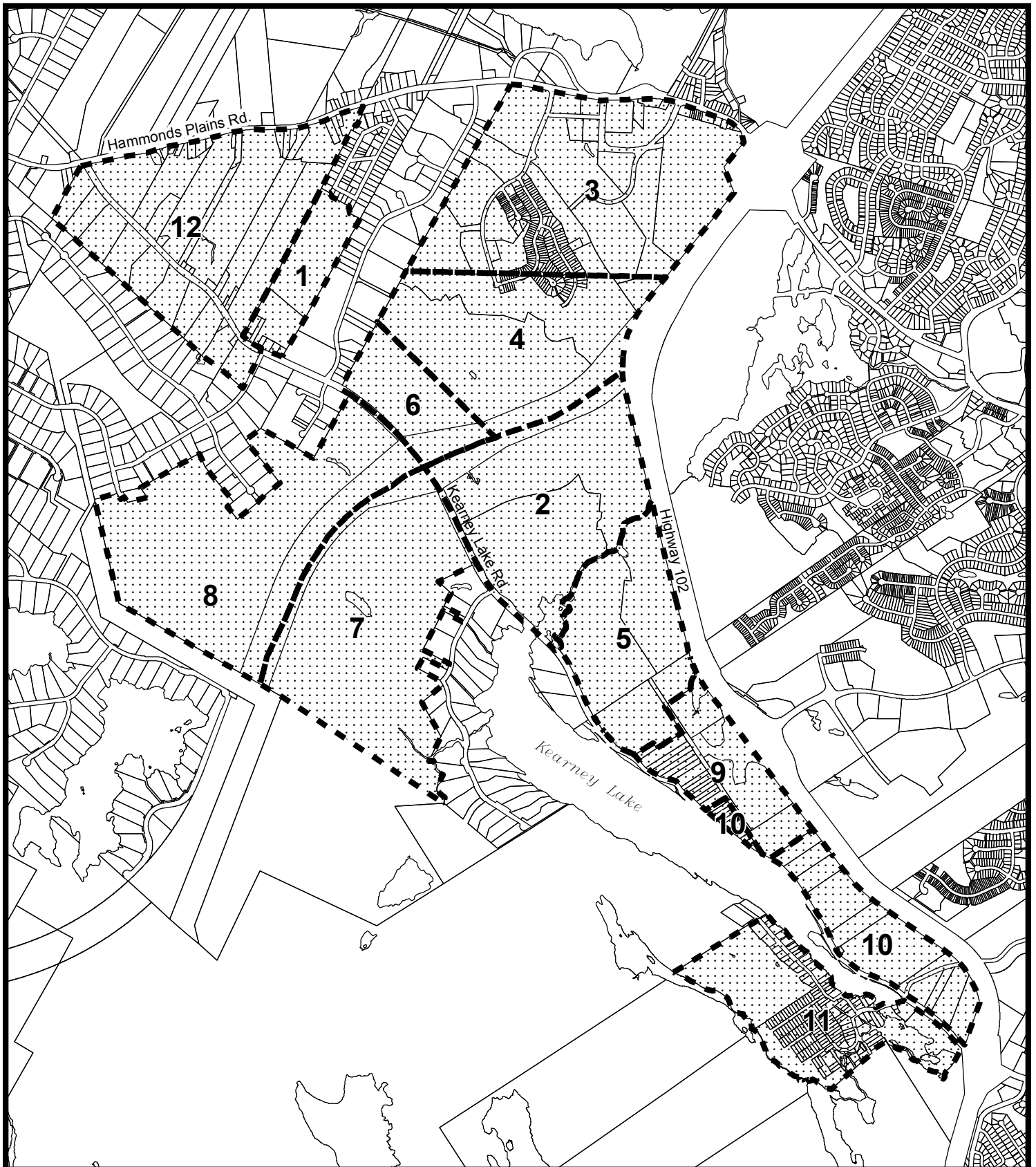
Map 3
Notification Area



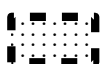
HALIFAX
REGIONAL MUNICIPALITY
Planning Services

■ ■ ■ Notification Area





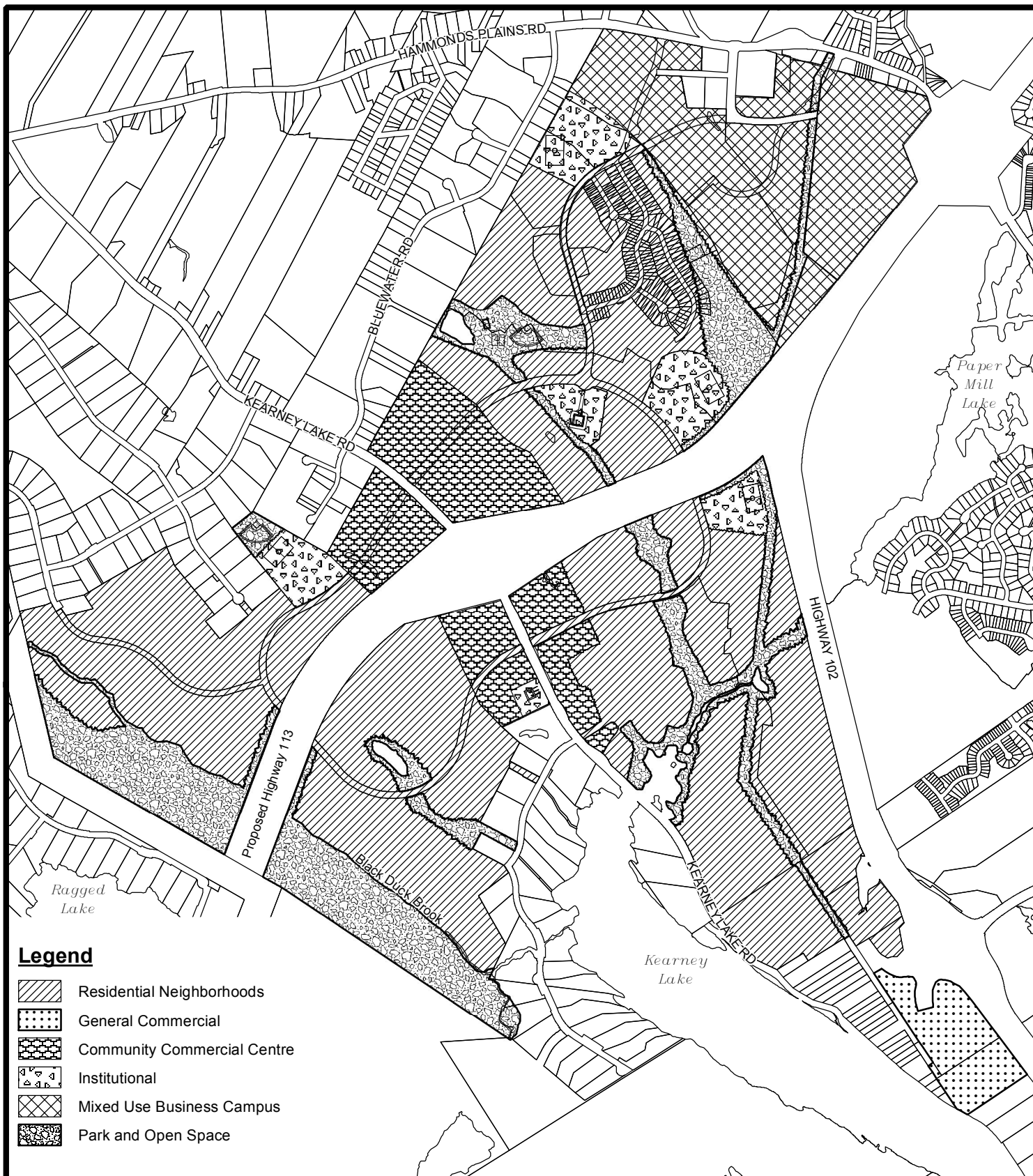
Map 4 (Schedule BW-6 of the Bedford West SPS)

 Bedford West Development Sub-Areas

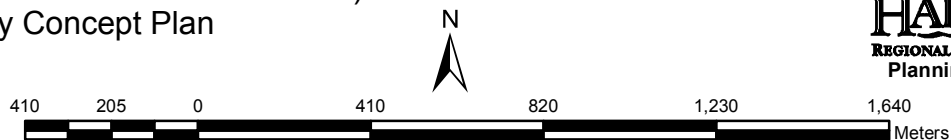


HALIFAX
REGIONAL MUNICIPALITY
Planning Services





Map 5 (Schedule BW-7 of the Bedford West SPS)
Bedford West Community Concept Plan



HALIFAX
REGIONAL MUNICIPALITY
Planning Services

Attachment A
Proposed Development Agreement

THIS AGREEMENT made this day of **[Insert Month]**, 201_,

BETWEEN:

(INSERT PROPERTY OWNER)

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 Larry Uteck Boulevard, Bedford and Halifax and which said lands are more particularly described in Schedule A hereto (hereinafter called the "Lands");

WHEREAS the Lands are located within the area known as Bedford West Sub Area 9 and this development within this Sub Area is only permitted by development agreement.

AND WHEREAS the Developer has requested that the Municipality enter into a Development Agreement to allow for a commercial and residential subdivision on the Lands pursuant to the provisions of the *Halifax Regional Municipality Charter*, pursuant to the Policies for the *Bedford West Secondary Planning Strategy* of the *Bedford Municipal Planning Strategy* and Part 4, Section 3 (p) of the Bedford Land Use By-Law and pursuant to the Policies for the *Bedford West Secondary Planning Strategy* of the *Halifax Municipal Planning Strategy* and Part 62A of the Halifax Mainland Land Use By-Law;

AND WHEREAS the North West Community Council and Chebucto Community Council for the Municipality approved this request at a meeting held on **[Insert - Date]**, referenced as Municipal Case Number 16666;

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

PART 1: GENERAL REQUIREMENTS AND ADMINISTRATION

1.1 Applicability of Agreement

The Developer agrees that the Lands shall be developed and used only in accordance with and subject to the terms and conditions of this Agreement.

1.2 Applicability of Land Use By-Law and Subdivision By-Law

Except as otherwise provided for herein, the development, use and subdivision of the Lands shall comply with the requirements of the Land Use By-Law for Bedford, the Land Use By-Law for Halifax and the Regional Subdivision By-Law, as may be amended from time to time.

1.3 Applicability of Other By-Laws, Statutes and Regulations

- 1.3.1 Further to Section 1.2, nothing in this Agreement shall exempt or be taken to exempt the Developer, lot owner or any other person from complying with the requirements of any by-law of the Municipality applicable to the Lands (other than the Land Use By-Law to the extent varied by this Agreement), or any statute or regulation of the Provincial/Federal Government and the Developer or Lot Owner agree(s) to observe and comply with all such laws, by-laws and regulations, as may be amended from time to time, in connection with the development and use of the Lands.
- 1.3.2 The Developer shall be responsible for securing all applicable approvals associated with the on-site and off-site servicing systems required to accommodate the development, including but not limited to sanitary sewer system, water supply system, stormwater sewer and drainage system, and utilities. Such approvals shall be obtained in accordance with all applicable by-laws, standards, policies, and regulations of the Municipality and other approval agencies. All costs associated with the supply and installation of all servicing systems and utilities shall be the responsibility of the Developer except where an Implementation Plan is approved by the Nova Scotia Utility and Review Board. All design drawings and information shall be certified by a Professional Engineer or appropriate professional as required by this Agreement or other approval agencies.

1.4 Conflict

- 1.4.1 Where the provisions of this Agreement conflict with those of any by-law of the Municipality applicable to the Lands (other than the Land Use By-Law to the extent varied by this Agreement) or any provincial or federal statute or regulation, the higher or more stringent requirements shall prevail.
- 1.4.2 Where the written text of this Agreement conflicts with information provided in the Schedules attached to this Agreement, the written text of this Agreement shall prevail.

1.5 Costs, Expenses, Liabilities and Obligations

The Developer shall be responsible for all costs, expenses, liabilities and obligations imposed under or incurred in order to satisfy the terms of this Agreement and all Federal, Provincial and Municipal laws, by-laws, regulations and codes applicable to the Lands.

1.6 Provisions Severable

The provisions of this Agreement are severable from one another and the invalidity or unenforceability of one provision shall not affect the validity or enforceability of any other provision.

PART 2: DEFINITIONS

2.1 Words Not Defined under this Agreement

All words unless otherwise specifically defined herein shall be as defined in the applicable Land Use By-Law and Subdivision By-Law, if not defined in these documents their customary meaning shall apply.

2.2 Definitions Specific to this Agreement

The following words used in this Agreement shall be defined as follows:

- (a) “Building height” means the vertical distance between the average finished grades of a building to the soffit of a building, excepting gables.
- (b) “General commercial” uses” means uses identified in Schedule H.
- (c) “Garden Markets” uses means Garden Markets as defined in the Bedford Land Use By-Law, except the requirement to be serviced with sewer and water shall not apply.
- (c) “Master Stormwater Management Plan” means the document entitled *Master Stormwater Management Plan for Bedford West Sub Area 5 and 9*, Project No. 121510557, prepared by Stantec Consulting Limited, for West Bedford Holdings Ltd., dated July 2010.
- (d) “Secondary Planning Strategy” means the Bedford West Secondary Planning Strategy, adopted under the Bedford and Halifax Municipal Planning Strategies, as amended from time to time.
- (e) “Waters Advisory Board” means the Bedford Waters Advisory Board, or any other successor body, as established by an administrative order of the Municipality.

PART 3: USE OF LANDS, SUBDIVISION AND DEVELOPMENT PROVISIONS

3.1 Schedules

The Developer shall develop the Lands in a manner, which, in the opinion of the Development Officer, conforms with this agreement and the following Schedules attached to this Agreement and filed in the Halifax Regional Municipality as Case Number 16666:

Schedule A	Development Area Sub-Area 9
Schedule A-1	Legal Description of the Lands(s)
Schedule B	Land Use Plan
Schedule C	Sanitary Service Plan
Schedule D	Stormwater Servicing Plan
Schedule E	Waterline Plan
Schedule F	Slope Map & Riparian Buffer Areas
Schedule G	General Commercial Design Guidelines
Schedule H	General Commercial Land Uses
Schedule I	Design Criteria for Multi Unit Buildings
Schedule J	Bedford West Trunk Sanitary Servicing
Schedule K	Concept Master Plan
Schedule L	Density Plan
Schedule M	Easement Plan
Schedule N	Trail & Transportation Plan
Schedule O	Water Quality Monitoring Plan
Schedule P	Block CMR-1
Schedule Q	Block MR-2

3.2 Requirements Prior to Approval

- 3.2.1 Riparian buffers areas and watercourse buffers as required by this agreement shall be identified with snow fence or other appropriate method such as flagging tape, as approved by the Development Officer, prior to any site preparation (i.e. tree cutting, and excavation activity). The Developer shall provide confirmation to the Development Officer that the non-disturbance areas and watercourse buffers have been appropriately marked. Such demarcations shall be maintained by the Developer for the duration of the construction and may only be removed upon the issuance of an Occupancy Permit for the lot or unless otherwise directed by the Development Officer.
- 3.2.2 No subdivision approvals shall be granted unless the following conditions have been met:
- (a) an infrastructure charge has been established over the Lands by the NSUARB as recommended by Halifax Water in accordance with Section 4.4 of this Agreement;
 - (b) all required parkland site development have been agreed upon in accordance with the requirements of Section 3.6 of this Agreement;

- (c) riparian buffers have been delineated in accordance with the requirements of Section 3.8;
- (d) if required, notifications for the design of the storm drainage system have been received in accordance with the requirements of Section 5.3.1;
- (e) a note for non-publicly owned driveways have been placed on the subdivision plan in accordance with the requirements of Section 4.2.3;
- (f) an erosion and sedimentation control plan has been complied with in accordance with the requirements of Section 5.2.1;
- (g) certification of the subdivision grading plan has been complied with in accordance with the requirements of Section 5.5.1;
- (h) if required, a financial security for completion of the water quality monitoring program has been posted in accordance with the requirements of Clause 5.4.1;
- (i) copies of all required watercourse and wetland alteration permits from Nova Scotia Environment for the subdivision phase have been provided to the Development Officer; and
- (j) construction of offsite water services, and sewer services (as generally shown on Schedule J), to the site have been completed or security posted as per the Subdivision By-Law in a form acceptable to the Development Officer as per Section 4.4.2.

3.2.3 No municipal development or construction permit shall be granted unless:

- (a) a lot grading plan has been prepared in accordance with the requirements of Sections 5.5.2 and 5.5.3 of this Agreement and the plan has been approved by the Development Engineer;
- (b) for all commercial, multi-unit residential and institutional land uses a landscaping plan has been prepared by a Professional Landscape Architect in accordance with the requirements of Section 3.11;
- (c) a lighting plan for commercial and multi-unit residential buildings has been prepared by a qualified person in accordance with the requirements of Section 3.5;
- (d) verification that the number of dwelling units has not been exceeded in accordance with the requirements of Sections 3.3.2, 3.9.8 and 4.4.4; and
- (e) financing for the entire length of the Kearney Lake Connector within Sub Area 5 and 9 of Bedford West has been approved by the Municipality, security for the private developer portions has been provided, and a time frame for completion agreed upon; The requirements of this clause shall be waived if the road is fully constructed at permitting.

3.2.4 Prior to the issuance of the first Municipal Occupancy Permit, the Developer shall provide the following to the Development Officer, unless otherwise permitted by the Development Officer:

- (a) for any multi-unit, commercial or institutional development unless a certification has been received from a Professional Landscape Architect in accordance with Section 3.11 of this Agreement (Landscaping);

- (b) for any multi-unit or commercial development unless a certification has been received from a qualified person in accordance with Section 3.5 of this Agreement (Lighting);
- (c) trees have been planted or a security provided in accordance with the requirements of Clause 3.11.8; and
- (d) lot grading approval has been received or financial security provided for completion of the work in accordance with Sections 5.5.1 through 5.5.4.

3.2.5 Prior to the acceptance of any streets and municipal services within any phase of subdivision, the Developer shall provide the Development Officer with certification from a Professional Engineer that the Developer has complied with the required Erosion and Sedimentation Control Plan as required by Section 5.2.1 of this Agreement and that there is permanent and temporary stabilization of all disturbed areas.

3.2.6 Notwithstanding any other provision of this Agreement, the Developer shall not occupy or use the Lands for any of the uses permitted by this Agreement unless an Occupancy Permit has been issued by the Municipality. No Occupancy Permit shall be issued by the Municipality unless and until the Developer has complied with all applicable provisions of this Agreement and the Land Use By-Law (except to the extent that the provisions of the Land Use By-Law are varied by this Agreement) and with the terms and conditions of all permits, licenses, and approvals required to be obtained by the Developer pursuant to this Agreement.

3.3 General Description of Land Use

3.3.1 The use(s) of the Lands permitted by this Agreement are the following:

- (a) A mixed use development as enabled by this Agreement and as generally illustrated on the Schedules;
- (b) Use of the Lands in the development shall be limited to the following as defined in the Bedford Land Use By-Law and this agreement, where applicable:
 - i) multiple unit dwellings;
 - ii) general commercial uses;
 - iii) parkland and open space uses;
 - iv) home occupations in multi-unit dwellings subject to the requirements of the Land Use By-Law for Bedford, Part 5, Section 8 (a) through l) as amended from time to time; and
 - v) day care facilities, nursery schools, early learning centres, and after school care in multi-unit dwellings subject to the requirements of the Land Use By-Law for Bedford, Part 5, Section 9 a) through i) as amended from time to time.

3.3.2 The number of multiple unit dwelling units within Sub Area 9 as identified on Schedule B and K shall not exceed 318 units.

- 3.3.3 The location of land uses shall comply with Schedule B and K. For further clarity, lands identified as CMR-1 may be developed as either Multiple Unit Dwellings or as General Commercial Land Uses. Notwithstanding, the previous statement, the Development Officer may permit minor modifications to the location of land uses.
- 3.3.4 Building locations shall be governed by Section 3.4 of this agreement.
- 3.3.5 Building Configurations may be varied from those shown on Schedule K.
- 3.3.6 Height of buildings are to be governed by Section 3.4 of this agreement.
- 3.3.7 The Developer acknowledges that there are easements on the Lands, as identified on Schedule M, and that the Developer is responsible for compliance with those easements.

3.4 DETAILED PROVISIONS FOR LAND USE

Land Use Requirements

- 3.4.1 No subdivision approval or municipal development permit shall be granted for any multiple unit dwelling development except in accordance with the provisions of either 3.4.1a) or 3.4.1b):
- a) the Development Officer may issue subdivision approval or municipal development permits in conformance with Schedule P and Q and the following sub clauses except the podium identified on Schedule Q shall be setback and configured in a manner, which in the opinion of the Development Officer, precludes a disturbance of the riparian buffer during construction:
 - i.) building shall conform with the height restrictions (number of storeys) shown on individual buildings identified on Schedule K. Buildings heights shown on Schedule K indicate habitable storeys, a maximum of two storeys of underground parking may also be permitted. Buildings shall not exceed twelve habitable storeys, excluding underground parking structures;
 - ii.) underground parking shall be provided to satisfy a minimum of fifty percent (50)% of the parking requirements of the Land Use By-Law;
 - iii.) the development conforms with the architectural design criteria for apartment buildings under Schedule I;
 - iv.) the Development Officer may permit minor variations to the siting of the buildings and parking podiums, shown on Schedule P and Q, provided the setbacks are not reduced below that shown on Schedule P and Q, or the requirements of 3.4.1(b), whichever is less; and
 - v.) the Development Officer may permit minor variations to the lot configuration and lot sizes shown on Schedule P and Q provided the requirements of the Subdivision By-Law are met, and the lot coverage does not exceed 50 percent.

- b) should the Developer not develop the concepts shown on Schedule P or Q, the following provisions shall apply:
- i.) Minimum lot frontage: 12.2 metres (40 feet) at the street line along an arc or the arc of a curve.
 - ii.) Minimum lot area: 929 square metres (10,000 square feet)
 - iii.) Minimum front yard: 4.57 metres (15 feet) or one half the height of the building, whichever is greater
 - vi.) Minimum flankage yard: 4.57 metres (15 feet) or one half the height of the building, whichever is greater
 - vii.) Maximum lot coverage: 35%
 - viii.) Building shall conform with the height restrictions (number of storeys) shown on individual buildings identified on Schedule K. Buildings heights shown on Schedule K indicate habitable storeys, a maximum of two storeys of underground parking may also be permitted. Buildings shall not exceed twelve habitable storeys, excluding underground parking structures.
 - ix.) the minimum rear or side yard shall be the greater of 6.10 metres (20 feet) or one half the height of the building, whichever is greater; and
 - x.) underground parking shall be provided to satisfy a minimum of fifty percent (50%) of the parking requirements of the Land Use By-Law. Where the number of units in a building exceeds 48, this requirement may be met through the construction of a parking structure which shall meet all the requirements of clauses iii.) through vii.), above.
 - xi.) the development conforms with the architectural design criteria for apartment buildings under Schedule I.

3.4.2 No subdivision approval or municipal development permit shall be granted for any general commercial development except in accordance with the following provisions:

- (a) Minimum lot frontage: 30.48 metres (100 feet)
- (b) Minimum lot area: 929 square metres (10,000 square feet)
- (c) Minimum front yard: 4.57metres (15 feet);
- (d) Minimum side yard: 4.57metres (15 feet);
- (e) Minimum rear yard: 4.57 metres (15 feet) or one half the height of the building, whichever is greater;
- (f) Minimum flankage yard: 4.57metres (15 feet); 7.6 metres (25 feet) vision triangle for corner lots)
- (g) Maximum lot coverage: 50%
- (h) Building height 50 feet (15.24m)
- (i) the development conforms with the General Commercial Guidelines and Requirements and General Commercial Uses under Schedules G and H.

General Provisions

- 3.4.3 Any development of the Lands shall conform with the provisions and requirements of Part 5 of the Bedford Land Use By-Law with the exception of Section 21 (1)(g) through (h), 21(2), 21(3), 21(7), 23, 24, 27, 32 and 33. For the purposes of Part 5, an RCDD Zone shall be deemed to apply to all multi-unit residential land uses on the Lands and a CGB Zone shall be deemed to apply to all General Commercial land uses on the Lands. For the purposes of Part 5, Section 31, a CHWY Zone shall be deemed to apply to any lands identified as General Commercial. For further clarity, it is the intent of this agreement that for Lands within the Halifax Land Use By-Law that the above mentioned requirements of the Bedford Land Use By-Law be applied for consistency purposes.

Variance

- 3.4.4 The Municipality agrees that the variance provisions and procedures made under the Halifax Regional Municipality Charter shall apply to the development of the Lands permitted under this Agreement as established under the Bedford MPS.

3.5 MULTIPLE UNIT AND COMMERCIAL SITE LIGHTING

- 3.5.1 Lighting shall be directed to driveways, parking areas, loading area, building entrances and walkways and shall be arranged so as to divert the light away from streets, adjacent lots and buildings.
- 3.5.2 Security lighting for multiple unit dwellings and general commercial uses shall be directed to all walkways and parking areas. Freestanding security lighting shall not exceed a height of 18 feet (5.4m). All exterior lighting shall be directed downwards with luminaries shielded to prevent unnecessary glare.
- 3.5.3 The Developer shall prepare an exterior lighting plan for any Multi Unit Building and General Commercial building and submit it to the Development Officer for review to determine compliance with this Agreement. The lighting plan shall contain, but shall not be limited to, the following:
- (a) plans indicating the location on the premises, and the type of illuminating devices, fixtures, lamps, supports, other devices;
 - (b) the lighting plan shall include certification from a qualified person that the lighting plan meets the requirements of this agreement; and
 - (c) prior to Occupancy Permits being issued the Developer shall provide to the Development Officer a letter from a qualified person that the installation of lighting meets the requirements of this Agreement.

3.6 PARKLAND

- 3.6.1 Parkland shall substantially conform with that illustrated on Schedule B. The Development Officer may vary parkland configuration in consultation with Parkland Planning and the proposed parkland meets the requirements of Parkland Planning.

Outstanding parkland dedication after credit for land shall be in the form of work of equivalent value to both Park 'A' and Park 'B'. The Developer must provide a design and cost estimate at the final subdivision stage for Parkland Planning review and approval. Further, the existing 15 m wide HRWC easement at the southern extent of the proposed trail corridor on Park 'A' must allow for a pedestrian crossing over this area in order for the trail corridor to be accepted by the Municipality.

- 3.6.2 All parkland must follow the Usable Land definition, the Parkland Classification/Service Delivery Criteria and the Parkland Quality of Land Criteria of the HRM Subdivision By-Law. The land shall be free of legal, environmental, or physical encumbrances. "Encumbrances" mean, for the purposes of Park dedication, legal, environmental, or physical constraints on the lands that may limit its use and management or present an unreasonable development of remediation costs to the Municipality. Further, except for the proposed trail/ pedestrian crossing, all parkland shall be located outside of the existing HRWC easements identified on Schedule M.
- 3.6.3 Conservation land with an area of 5.7 acres as identified on Schedule B, will be contributed by the developer, outside of the parkland dedication process.
- 3.6.4 Engineering infrastructure may be considered on proposed park in accordance with Part 83(1)(d) of the HRM Regional Subdivision By-Law.
- 3.6.5 Parkland shall be completed and deeded to the Municipality prior to the completion of each phase.

3.7 WATERCOURSE PROTECTION

- 3.7.1 No development, grade alteration, excavation, fill, pavement or removal of natural vegetation shall be permitted within sixty-six (66) feet (20 metres) of the high water mark of any other watercourse, or within the limits of any 1 in 20 year flood plain of any watercourse, except as provided for by this agreement in accordance with an approved water management plan approved pursuant to the provisions of policy BW-9 or as provided to allow for trail systems, transportation crossings or utilities. The 1 in 20 year floodplain shall be shown on the subdivision grading plan and subdivision plan. Further, for clarification, Part 5, Section 21 (1)(a) through (f), (4) through (6) of the Bedford Land Use By-Law shall apply.
- 3.7.2 Except as required for safety reasons or to allow for the installation or maintenance of a municipal service systems or to allow for the construction of a park facility such as a trail, no lands shall be disturbed within the required setback from a watercourse unless a management plan has been prepared by a qualified consultant and submitted to the Community Council for approval. The plan shall be submitted to the Waters Advisory Board for recommendation of approval prior to the Community Council making a decision.

3.8 RIPAREAN BUFFERS

- 3.8.1 The Developer agrees that Riparian Buffers as identified on Schedule F and under Clause 3.8.1 shall be shown on a site plan submitted under the requirements of subsection 3.2.1 of this Agreement. Further, the plan shall identify all watercourse setbacks identified through clause 3.7.1 and all wetlands greater than or equal to 2000 square metres, as defined by Nova Scotia Environment. Further, no development, tree cutting or grade alteration shall be permitted within any riparian buffers except where approved in writing by the Development Officer under one of the following circumstances:
- (a) To install municipal service systems, driveway accesses and trails. In these cases, the location, size and extent of the disturbance shall be identified on a plan prepared and endorsed by a qualified professional which shall identify measures to minimize disturbance within the non-disturbance area to the satisfaction of the Development Officer;
 - (b) To remove a tree that is dead, dying or in decline and which represents a danger to private property, public infrastructure or other natural trees and vegetation. Prior to granting approval for the removal of such a tree, the Development Officer shall have the discretion to require that the landowner engage a Certified Arborist, Landscape Architect, Landscape Technologist, Urban Forester or other person with equivalent credentials to certify in writing that the tree poses a danger to people or property or is in severe decline. If trees are removed or tree habitat damaged beyond repair, with the exception of those to be removed in accordance with Section 3.8.1, the Developer shall replace each tree with a new tree of ½ inch (38mm) caliper for every one removed or damaged, as directed by the Development Officer, in consultation with the appropriate HRM Business Units; or
 - (c) To remove fallen timber and dead debris where a fire or safety risk is present. The Development Officer may require verification in writing by a qualified professional (i.e. Arborist, Forester or Forestry Technician, Landscape Architect) prior to granting approval under this clause.
- 3.8.2 Where a riparian buffer area is established over lots intended for development, the area shall be shown on a plan of subdivision as a non-disturbance area with a note on the plan that no vegetation or soils are to be removed or altered unless undertaken in accordance with a management plan approved pursuant to the requirements of this Agreement.
- 3.8.3 Where a riparian buffer area is established over lots intended for development, the area shall be shown on a lot grading plan for each individual property as a non-disturbance area with a note on the plan that no vegetation or soils are to be removed or altered unless undertaken in accordance with a management plan approved pursuant to the requirements of this Agreement.

3.9 SUBDIVISION OF THE LANDS

Subdivision applications shall be submitted to the Development Officer in accordance with the phasing sequence identified below and the Development Officer shall grant subdivision approval subject to and in accordance with the following terms and conditions:

- 3.9.1 All subdivision of the Lands shall meet the requirements of the Subdivision By-Law except where varied by this agreement.
- 3.9.2 This Agreement shall be deemed to meet the requirements of the Subdivision By-Law with respect to concept plan approval.
- 3.9.3 Prior to occupancy of any dwelling unit, the final parcel on which the dwelling unit is located shall be created through the subdivision process.
- 3.9.4 Final subdivision applications shall be submitted to the Development Officer and the Development Officer shall grant subdivision approvals in accordance with the following terms and conditions:
 - (a) Applications for subdivision approval shall encompass the entire development as indicated on the Schedules; Notwithstanding the previous statement, subdivision of lands beyond that required for public streets and parkland may be deferred until after the roads and parks are taken over by the Municipality. The remaining lands may be subdivided in phases.
- 3.9.5 Unless otherwise acceptable to Development Officer, prior to acceptance of any Municipal Service system, the Developer shall provide the following to the Development Officer:
 - (a) certification from a qualified professional engineer that the Developer has complied with the required Erosion and Sedimentation Control Plan as required pursuant to this Agreement (Section 5.2.1) ; and
 - (b) certification from a qualified professional engineer indicating that the Developer has complied with the Stormwater Management Plan required pursuant to this Agreement (Section 5.3.1).
- 3.9.6 Site preparation shall not occur until the Developer provides a subdivision grading plan to the Development Officer indicating where lot disturbance is to occur at the time of construction of municipal services, as set out in section 3.8 and 5.5.2 of this agreement.
- 3.9.7 Each subdivision application shall include a table with the number of units permitted by this agreement, the number of dwelling units for which municipal development permit applications are expected to be sought and the number of dwelling units which have received or are expected to receive municipal development permit approvals from previous subdivision applications submitted for the development pursuant to the

provisions of this Agreement. This table shall be attached to the application. A copy of this table shall be forwarded to the Development Engineer and Halifax Water.

- 3.9.8 Each subdivision application shall include a table with the total capacities permitted by this agreement, sewer calculations for dwelling unit, institutional uses and commercial lands which municipal development permit applications are expected to be sought and the sewer calculations for the number of dwelling units, institutional uses and commercial lands which have received or are expected to receive municipal development permit approvals from previous subdivision applications submitted for the development pursuant to the provisions of this Agreement. This table shall be attached to the application. A copy of this table shall be forwarded to the Development Engineer and Halifax Water.
- 3.9.9 Notwithstanding the Regional Subdivision By-Law, road frontage on Road “A” as shown on Schedule A, classified as “control of access” may be considered road frontage subject to the approval of Nova Scotia Transportation and Infrastructure Renewal and subject to the provision of deeded access to a public street.

3.10 PARKING, CIRCULATION, LOADING AND ACCESS

- 3.10.1 Parking areas shall maintain a minimum 15 feet (4.57 m) setback from property lines.
- 3.10.2 All parking areas shall provide at least the minimum number of parking spaces required by the Bedford Land Use By-Law based on use.
- 3.10.3 All parking areas shall be hard surfaced with asphalt, concrete or equivalent.
- 3.10.4 The limits of all parking areas shall be defined by fencing or landscaping or curb.
- 3.10.5 It is the responsibility of the Developer to convey all required rights-of-way over properties, as required, to provide access to all properties.
- 3.10.6 Clearly signed visitor parking areas shall be provided for all multiple unit dwellings or clustered housing units.
- 3.10.7 Multiple unit dwelling and general commercial developments are required to meet the requirements of Schedule G and I.
- 3.10.8 Access to the Kearney Lake Connector (Larry Uteck Boulevard) shall be limited to road intersections except for Parcel MR-2 as labelled on Schedule B. Parcel MR-2 may be permitted one access point subject to the review of Development Engineering and the Nova Scotia Department of Transportation and Infrastructure Renewal.
- 3.10.9 Where a commercial building is located immediately adjacent to CMR-1, any loading area shall be on the Highway 102 side of the building and be designed in a manner to ensure that exiting truck traffic does not circulate to the rear of the building.

3.11 LANDSCAPING

3.11.1 All plant material shall conform to the Canadian Nursery Trades Association Metric Guide Specifications and Standards and sodded areas to the Canadian Nursery Sod Growers' Specifications.

Landscape Plan (General Commercial and Multiple Unit Dwellings)

3.11.2 Prior to the issuance of a Construction Permit for all General Commercial, and Multi-Unit Dwellings, the Developer agrees to provide a Landscape Plan which complies with the provisions of this section. The Landscape Plan shall be prepared by a Landscape Architect (a full member, in good standing with Canadian Society of Landscape Architects) and shall illustrate:

- (a) landscaping to be introduced to all areas disturbed during construction;
- (b) natural vegetation, landscaping or screening is to be employed around parking areas and measures are taken to allow for safe and convenient pedestrian access to public entrances of buildings;
- (c) a pedestrian circulation system with walkways extending from the entrances of buildings to a public sidewalk in front of the building and to any public trail system abutting the property; and
- (d) guidelines and requirements of Schedule G for General Commercial land uses.

3.11.3 The developer shall provide a best practices guide to initial owners prior to the first occupancy permit which outlines best practices for landscaping and maintenance of landscaping which minimizes the impact of development on watercourses. The Developer shall provide written confirmation to the Development Officer that the guide has been provided to the owner prior to issuance of the first occupancy permit.

Reinstatement

3.11.4 All disturbed areas shall be reinstated to original condition or better with landscaping.

Compliance with Landscaping Plan

3.11.5 Prior to issuance of the first Occupancy Permit for General Commercial, and Multi-Unit Dwellings, the Developer shall submit to the Development Officer a letter prepared by a member in good standing of the Canadian Society of Landscape Architects certifying that all landscaping has been completed according to the terms of this Development Agreement.

3.11.6 Notwithstanding Section 3.11.3 and 3.11.5, the Occupancy Permit may be issued provided that the weather and time of year does not allow the completion of the outstanding landscape works and that the Developer supplies a security deposit in the amount of 110 percent of the estimated cost to complete the landscaping. The cost estimate is to be prepared by a member in good standing of the Canadian Society of Landscape Architects or a qualified person. The security shall be in favour of the Municipality and shall be in the form of a certified cheque or automatically renewing,

irrevocable letter of credit issued by a chartered bank. The security shall be returned to the Developer only upon completion of the work as described herein and illustrated on the Schedules, and as approved by the Development Officer. Should the Developer not complete the landscaping within twelve months of issuance of the Occupancy Permit, the Municipality may use the deposit to complete the landscaping as set out in this section of the Agreement. The Developer shall be responsible for all costs in this regard exceeding the deposit. The security deposit or unused portion of the security deposit shall be returned to the Developer upon completion of the work and its certification.

Outstanding Site Work

- 3.11.7 For Multi-unit residential and commercial buildings, securities for the completion of outstanding on-site paving and landscaping work (at the time of issuance of the first Occupancy Permit) may be permitted. Such securities shall consist of a security deposit in the amount of 110 percent of the estimated cost to complete the work. The security shall be in favour of the Municipality and may be in the form of a certified cheque or irrevocable automatically renewing letter of credit issued by a chartered bank. The security shall be returned to the Developer by the Development Officer when all outstanding work is satisfactorily completed.

Tree planting program/Screening – Commercial Properties

- 3.11.8 The Developer shall plant a minimum of one coniferous tree (1) tree for each 10 metres of commercial property line adjacent to the Nova Scotia Power Incorporated (NSPI) right-of-way. These trees shall be planted outside the NSPI right-of-way and clearing easement on a grassed berm 1m (3.3 feet) high. The berm shall be designed by a qualified person to enable the growth of the vegetation selected. Each tree shall be a type which is indigenous to Nova Scotia with a minimum height of 1.52 metres (5 feet) and a minimum diameter of 5 centimeters (2 inches). The location of the tree shall not interfere with services. No Occupancy Permit shall be granted unless this requirement has been satisfied or a security has been provided, in form acceptable to the Development Officer, in the amount of one hundred and ten percent (110%) of the estimated cost of planting the required tree or trees as the case may be.
- 3.11.9 The Developer shall plant or maintain a visual barrier between the commercial lands (north of Road A) and any immediately adjacent multiple unit dwellings. Such a barrier shall be located on the commercial, and the multiple unit dwelling site, each tree shall be a type which is indigenous to Nova Scotia with a minimum height of 1.52 metres (5 feet) and a minimum diameter of 5 centimeters (2 inches). The location of the tree shall not interfere with services. No Occupancy Permit shall be granted for either the commercial or residential use unless this requirement has been satisfied or a security has been provided, in form acceptable to the Development Officer, in the amount of one hundred and ten percent (110%) of the estimated cost of planting the required tree or trees as the case may be. Should the multiple unit dwelling site be developed for commercial uses, alternate vegetation shall be maintained or planted to provide a visual barrier adjacent the existing waterline easement.

3.12 SCREENING

- 3.12.1 General Commercial and Multiple Unit Dwellings with refuse containers located outside the building shall be fully screened from adjacent properties and from streets by means of opaque fencing or masonry walls with suitable landscaping.
- 3.12.2 General Commercial and Multiple Unit Dwellings with propane tanks and electrical transformers shall locate the tanks and transformers in such a way to ensure minimal visual impact from any street and adjacent residential properties. These facilities shall be secured in accordance with the applicable approval agencies and screened by means of opaque fencing or masonry walls with suitable landscaping.
- 3.12.3 Mechanical equipment shall be permitted on the roof provided the equipment is screened or incorporated in to the architectural treatments and roof structure. Mechanical equipment shall not be visible from any street.
- 3.12.4 Any ground or wall mounted mechanical equipment shall be screened from view from any street or residential properties with a combination of fencing, landscaping or building elements.

3.13 HOURS OF OPERATION

- 3.13.1 Deliveries and pickups to all commercial and multi-unit buildings, and the collection of refuse and recyclables, shall occur only between the hours of 7:00am and 11:00pm. For further clarity the unloading of vehicles by hand or pallet truck shall be permitted outside delivery hours subject to the HRM Noise By-Law N-200, as amended from time to time.
- 3.13.3 Hours of operation shall conform to all relevant Municipal and Provincial legislation and regulations, as may be amended from time to time.

3.14 BICYCLE FACILITIES

- 3.14.1 Bicycle facilities shall be provided as required in the Bedford Land Use By-Law, Part 5, clauses 37a) through c), as amended from time to time.

3.15 SIGNS

- 3.15.1 The sign requirements shall be in accordance with the Bedford Land Use By-Law, as amended from time to time, except as varied by this agreement. For further clarity, Schedule G identifies variations from the Land Use By-Law.

Community Signs

- 3.15.3 A maximum of one ground sign shall be permitted at each entrance to the subdivision or phase or street to denote the community or subdivision name. The locations of such signs shall require the approval of the Development Officer and Development Engineer. The maximum height of any such sign inclusive of support structures shall not exceed 10

feet (3.05 m) and the face area of any sign shall not exceed 50 square feet (4.65 sq. m.). All such signs shall be constructed of natural materials such as wood, stone, brick, enhanced concrete or masonry. The only illumination permitted shall be low wattage, shielded exterior fixtures. Notwithstanding this section, the construction of decorative entrance gates shall be permitted outside of the public street right of way.

3.16 MAINTENANCE

- 3.16.1 The Developer shall maintain and keep in good repair all portions of the development on the Lands, including but not limited to, the exterior of the building, fencing, walkways, recreational amenities, parking areas and driveways, and the maintenance of all landscaping including the replacement of damaged or dead plant stock, trimming and litter control, garbage removal and snow and ice control, salting of walkways and driveways.

3.17 TEMPORARY CONSTRUCTION BUILDING

A building(s) shall be permitted on the Lands for the purpose of housing equipment, materials and office related matters relating to the construction and sale of the development in accordance with this Agreement. The construction building(s) shall be removed from the Lands prior to the issuance of the last Occupancy Permit on the subject lands.

3.18 SOLID WASTE FACILITIES (Commercial, Multi-unit and Institutional)

- 3.18.1 The building shall include designated space for five stream (refuse, recycling, paper, cardboard and composting) source separation services. This designated space for source separation services shall be shown on the building plans and approved by the Development Officer and Building Inspector in consultation with Solid Waste Resources.
- 3.18.2 Refuse containers and waste compactors shall be confined to the loading areas of each building, and shall be screened from public view where necessary by means of opaque fencing or masonry walls with suitable landscaping.
- 3.18.3 All refuse and recycling materials shall be contained within a building, or within suitable containers which are fully screened from view from any street or sidewalk. Further, consideration shall be given to locating of all refuse and recycling material to ensure minimal affect on abutting property owners by means of opaque fencing or masonry walls with suitable landscaping.

PART 4: STREETS AND MUNICIPAL SERVICES

4.1 General Provisions

- 4.1.1 All design and construction of Municipal service systems shall satisfy Municipal Service Systems Specifications, Halifax Water Design and Construction Specifications and the

requirements of and shall receive written approval from the Development Engineer prior to undertaking the work.

Off-Site Disturbance

- 4.1.2 Any disturbance to existing off-site infrastructure resulting from the development, including but not limited to, streets, sidewalks, curbs and gutters, street trees, landscaped areas and utilities, shall be the responsibility of the Developer, and shall be reinstated, removed, replaced or relocated by the Developer as directed by the Development Officer, in consultation with the Development Engineer.

Underground Services

- 4.1.3 All electrical, telecommunication and cable service to all General Commercial and Multiple Unit Dwellings shall be underground installation. Multiple unit dwelling sites with a setback of greater than greater than 150 feet from the street shall be exempt from this clause.

Site Preparation in a Subdivision

- 4.1.4 The Developer shall not commence clearing, excavation or blasting activities required for the installation of primary or secondary services in association with a subdivision prior to receiving final approval of the subdivision design unless otherwise permitted by the Development Officer, in consultation with the Development Engineer. Where oversized infrastructure to serve the development is to be installed by or on behalf of Halifax Water, the Development Officer may permit commencement of clearing, excavation or blasting activities required for the installation prior to the developer receiving final approval of the subdivision design, subject to written consent by the developer.
- 4.1.5 Nothing in this Agreement shall preclude the Developer from storing or removing rocks, soils or grubbing materials from other development phases established under the Secondary Planning Strategy, provided that all permission has been granted by the Engineer and all required municipal and provincial approvals have been obtained.
- 4.1.6 Notwithstanding Schedule B, C, D, and E, where infrastructure or land is to be provided, all parcels and easements shall meet the requirements of HRM and Halifax Water such as size, separation distances and setbacks. If these requirements necessitate a loss of dwelling units, this shall be at the developers cost.

Streets

- 4.2.1 Unless otherwise acceptable to the Development Engineer, streets, sidewalks and walkways shall conform with the locations and alignments illustrated on Schedule B and N.
- 4.2.2 All roads shall be built to the Municipal Service Systems Specifications.
- 4.2.3 Where any private driveway is proposed to service more than one building, no subdivision approvals shall be granted with lot frontage on the private driveway and a

note shall be placed on the subdivision plan that the Municipality does not own or maintain the private-driveway.

- 4.2.4 Driveway access to the Kearney Lake Connector (Larry Uteck Boulevard) shall be restricted to multi-unit dwellings as identified in section 3.10.8.
- 4.2.5 No subdivision approvals shall be granted for any development under this Agreement unless the Municipality has established an infrastructure charge area under the Subdivision By-Law, and the Developer has entered into an infrastructure charge agreement with the Municipality for the upgrading of regional transportation infrastructure.
- 4.2.6 The Developer shall construct a pedestrian circulation and walkway system as required by the Subdivision By-Law, the Municipal Servicing System Specifications and Schedule N. The land for secondary trails shall be deeded to HRM or Halifax Water. The system shall include where required easements in favour of the Municipality and/or Halifax Water or any other Utility.

Kearney Lake Connector

- 4.2.7 The Kearney Lake Connector as generally shown on Schedule N shall be designed and built subject to the following criteria:
 - (a) The road shall be a two lane minor collector road with a design speed of 60 km/h;
 - (b) The final design of the road shall be prepared by the developer; and
 - (c) The road shall conform to a 25.0m Rural Minor Collector standard with the following exceptions:
 - i. The north side of the roadway shall include a concrete curb and gutter, a 1.5 metres sod boulevard, and a 3 metres wide asphalt multi-use trail.
 - ii. The minimum right-of-way width shall be 28.50 metres.
 - iii. Additional through lanes (if required) shall be 3.5 metres wide.
 - iv. Auxiliary lanes (if required) shall be 3.3 metres wide.
- 4.2.8 The developer shall construct the Kearney Lake Connector and will be reimbursed for a portion of the costs under an Infrastructure Charge Agreement, subject to budget approval by Regional Council.
- 4.2.9 Prior to the design and construction of the Kearney Lake Connector, the Developer shall confirm the specifications and design of the Kearney Lake Connector Road with the Development Engineer in writing. Should a variation in the design be required by HRM, the Development Engineer shall confirm any modifications to the proposed design in writing.
- 4.2.10 Notwithstanding 4.2.8 and 4.2.9, alternate arrangements for the construction of the Kearney Lake Connector may be determined at the sole discretion of the Municipality.

4.2.11 The Developer shall provide the right-of-way lands required for the Kearney Lake Connector Road to the Municipality at no additional charge and there shall be no reimbursement for the costs associated with this right-of-way via this or any other agreement.

4.3 Water Distribution System

4.3.1 The water distribution system shall conform with the Halifax Water Design and Construction Specifications and, unless otherwise required by Halifax Water, the water distribution system shall conform with the Bedford West Capital Cost Contribution Analysis, prepared by CBCL and Schedule E. Halifax Water may allow variations to Schedule E where deemed appropriate. Further, where the water system crosses private land, appropriate easements shall be provided to Halifax Water.

4.4 Sanitary Sewer System and Storm Drainage System

4.4.1 The sanitary sewer system and the storm drainage system shall conform with the Halifax Water Design and Construction Specifications unless otherwise acceptable to Halifax Water.

4.4.2 No subdivision approvals shall be granted unless:

- (a) the Engineer (storm system) and Halifax Water (sanitary system) is satisfied that there is sufficient capacity remaining in the downstream sanitary and storm sewer systems directly affected by the Bedford West Development area;
- (b) Halifax Water has secured approval from the Nova Scotia Utility and Review Board and established an infrastructure charge area for water and wastewater services inclusive of the extension of sewer services as shown on Schedule J, and the Developer has entered into a service agreement with Halifax Water for connections to the oversized infrastructure; and
- (c) construction of offsite water services, and sewer services (as generally shown on Schedule J), to the site have been completed or security posted as per the Subdivision By-Law in a form acceptable to the Development Officer. For the purpose of this clause, the Development Officer may accept as security a letter from the Director of Engineering of Halifax Water, indicating that trunk services to the site have been tendered and funds have been allocated for the construction of such services. Subdivision prior to services being complete shall be at the Developers risk.

4.4.3 The Developer agrees to maintain all public stormwater treatment units proposed for the storm sewer system for a minimum of three (3) years from the date of receiving subdivision approval for the development phase in which the stormwater treatment units is located.

Permitted Population Density

4.4.4 The maximum population permitted by this agreement shall be 1476 persons. Density may be transferred from lot to lot as required.

- 4.4.5 Nothing in this agreement shall preclude the transfer of unused density from this agreement to other Sub-Areas of Bedford West; however, an amendment to this agreement will be required for a transfer of density into areas covered by this agreement. Should the transfer of density to another Sub-Area be permitted by another development agreement, the developer shall provide an update density table for this development to the Development Officer which provides an updated density at the subdivision stage. The Development Officer shall not issue permits under this agreement for density transferred to another Sub-Area. Transfers of density in to this agreement which affect the collection of Capital Cost Charges will be considered a substantive amendment. Transfers of density into this agreement which do not affect the collection of Capital Cost Charges will be considered a non-substantive amendment.
- 4.4.6 The transfer of density shall be subject to a review of the impact on infrastructure charges. Any change which will have a negative impact may be declined by the Municipality. The developer may transfer density between multiple unit dwellings provided other provisions of this agreement are met.
- 4.4.7 For the purposes of calculating sewer allocation, the following conversion factors shall be used:

Land Use Type	Equivalent per Unit
Multiple Unit Dwellings	2.25 persons per unit
General Commercial	50 persons per acre
Other	As determined by the Development Engineer

Stormwater Control Measures Required

- 4.4.10 No stormwater shall be discharged directly into any natural watercourse without the use of mitigative measures as stipulated in the Master Stormwater Management Plan and in accordance with municipal and provincial guidelines.
- 4.4.11 Where the Developer proposes to incorporate Kearney Lake, Kearney Lake Run or Paper Mill Lake into the storm drainage system serving the Lands, the Developer shall secure all, permissions, permits and approvals as may be required from the Province and the license holder of the dams on Kearney Lake and Paper Mill Lake and the Developer agrees that nothing in this Agreement obligates the Municipality or Halifax Water to assume any responsibility for the ownership or maintenance of the dams on Kearney Lake or Paper Mill Lake or any other component of a storm drainage system that is not located with the boundaries of the Lands.
- 4.4.12 Where mitigative measures are proposed along a watercourse, no mitigative measure shall be located in a location which would negatively impact the 1 in 100 year floodplain

for the watercourse. All stormwater plans shall indicate the 1 in 100 year floodplains as determined by a qualified professional.

- 4.4.13 Mitigative measures in proposed parks, watercourse buffers and non-disturbance areas may be considered by the Development Engineer. Mitigative measures on proposed parkland are subject to the review and approval of Parkland Planning provided no encumbrances are created on parkland. The Development Engineer may permit such mitigative measures provided the proposed measure meets the design requirements of the Municipality (where required) subject to review of an environmental study which determines if the proposal adversely affects environmentally sensitive features as required by Policy BW-28 of the Bedford West Secondary Planning Strategy.
- 4.4.14 Commercial and institutional storm drainage systems shall include Best Management Practices such as bioretention facilities as a component further to the Master Storm Water Management Plan.

PART 5: ENVIRONMENTAL PROTECTION MEASURES

- 5.1.1 All private storm water facilities shall be maintained in good order in order to maintain full storage capacity by the owner of the lot on which they are situated.

Erosion and Sedimentation Control and Grading Plans

- 5.2.1 Prior to the commencement of any onsite works on the Lands, including earth movement or tree removal other than that required for preliminary survey purposes, or associated offsite works, the Developer shall have prepared by a Professional Engineer and submitted to the Municipality a detailed Erosion and Sedimentation Control Plan. The plans shall comply with the *Erosion and Sedimentation Control Handbook for Construction Sites* as prepared and revised from time to time by Nova Scotia Environment. Notwithstanding other Sections of this Agreement, no work is permitted on the site until the requirements of this clause have been met and implemented.

Stormwater Management Plan

- 5.3.1 A qualified professional shall provide written confirmation that the design of the storm drainage system conforms with the Master Stormwater Management Plan, unless otherwise acceptable to the Development Officer.
- 5.3.2 Where easements are required as part of the stormwater system, the Developer shall provide the easements to the Municipality or Halifax Water as required.
- 5.3.3 Where private storm systems cross multiple properties, the Developer shall provide easements in favour of the affected properties to permit the flow of stormwater.

Water Quality Monitoring Program

- 5.4.1 The Parties agree that a water quality monitoring program shall be undertaken in conformity with the following requirements:

- (a) the consultant shall be selected by the Municipality and the Developer agrees to pay for all required costs;
- (b) except as required by clause (d), monitoring shall be undertaken at each location shown on Schedule O three (3) times per year. Spring testing shall include the RCAP-MS suite, Total Phosphorus (0.002 mg/L detection limit) , Total Suspended Solids, E. Coli, Total Coliforms and Chlorophyll A (acidification and Welschmeyer methodologies), plus standard field measurements (pH, dissolved oxygen (mg/L), conductivity, temperature, Secchi Depth, total dissolved solids, salinity). Summer and Fall testing shall include the RCAP suite (without MS), Total Phosphorus, Total Suspended Solids, E.Coli and Chlorophyll A (Acidification and Welschmeyer techniques), plus standard field measurements (pH, dissolved oxygen (mg/L), conductivity, temperature, Secchi Depth, total dissolved solids, salinity);
- (c) monitoring shall be undertaken at least one time at each location illustrated on Schedule O prior to any initial disturbance being commenced within the upstream watershed of the Lands;
- (d) in the event that threshold levels specified under 5.4.2(b) are exceeded, the Municipality may direct the consultant to undertake further testing deemed reasonable to verify results;
- (e) except as provided for by clause (f), the program shall be undertaken until two (2) years after subdivision approval has been granted for the final phase of development permitted by this Agreement and, prior to subdivision approval being granted for the first phase, the Developer shall post a security in an amount of 110 percent of the cost to complete the monitoring program for a period of one year. This security shall be maintained for the term of testing. Should this security have to be used by the Municipality because of default of payment, no further subdivision shall be permitted until bonding for another year is provided;
- (f) where further development agreement applications are approved within the Paper Mill Lake watershed which require that a water quality monitoring program be undertaken pursuant to the requirements of the Secondary Planning Strategy, the Parties agree that the Developer may seek amendments to the requirements of this Section in accordance with the provisions of Clause 6.1 of this Agreement; and
- (g) The water quality monitoring program shall commence a minimum of six months prior to initial disturbance and the developer shall pay all costs associated. The developer shall give the Municipality an additional 30 days notice to prepare for the program.

5.4.2 The Municipality will designate a person to administer the requirements of Section 5.4.1 and receive the test results of the monitoring program. The designated person shall submit the test results to the Developer, the Community Council and the Waters Advisory Board within:

- (a) three (3) months of being received from the consultant; or
- (b) if any total phosphorous measurement meets or exceeds ten (10) micrograms per liter or if the geometric mean of any E. coli measurement within a given calendar year exceeds two hundred (200) counts per 100ml at any location or if any fecal coliform measurement exceeds four hundred (400) counts per 100ml, the findings will be reported immediately to the Developer and to the Waters Advisory Board

and the Community Council at the next scheduled meeting. The Municipality shall make all reports provided to the Waters Advisory Board and the Community Council available to the public.

Subdivision and Lot Grading Plans

- 5.5.1 Any Subdivision Grading Plan submitted for subdivision approval shall be certified by a qualified professional that the plan conforms with the recommendations of the Master Stormwater Management Plan;
- 5.5.2 Any riparian buffer area established pursuant to Section 3.8 of this Agreement shall be shown on any lot grading plan submitted pursuant to the requirements of the Municipality's Grade Alteration By-Law.
- 5.5.3 The Developer shall prepare lot grading plans which comply with the Subdivision Grading Plan. Modifications to the site grading and proposed finished elevations may be approved by the Development Engineer. The Developer shall provide written confirmation of compliance that the lot has been graded in accordance with the lot grading plan and, where it has been determined that any lot grading has not been properly carried out, remedial or corrective measures shall be carried out by the Developer at its cost.
- 5.5.4 No occupancy permit shall be granted unless the requirements of Section 5.5.3 have been satisfied or a security deposit for the completion of the work has been provided in accordance with the requirements of the Municipality's Grade Alteration By-Law

PART 6: AMENDMENTS

6.1 Non-Substantive Amendments

6.1.1 The following items are considered by both parties to be not substantive and may be amended by resolution of Council:

- (a) the granting of an extension to the date of commencement of construction as identified in Section 7.3 of this Agreement;
- (b) the length of time for the completion of the development as identified in Section 7.5 of this Agreement;
- (c) amendments to the development standards in Sections 3.4.1 and 3.4.2 of this Agreement;
- (d) amendments to the lake monitoring program on Schedule O and clauses 5.4.1 and 5.4.2 to this Agreement provided that a recommendation of approval has been received from the Waters Advisory Board; and
- (e) transfers of density into this agreement which do not affect the collection of Capital Costs or exceed an additional 1 unit per acre.

6.2 Substantive Amendments

Amendments to any matters not identified under Section 6.1 shall be deemed substantive and may only be amended in accordance with the approval requirements of the *Halifax Regional Municipality Charter*.

PART 7: REGISTRATION, EFFECT OF CONVEYANCES AND DISCHARGE

7.1 Registration

A copy of this Agreement and every amendment or discharge of this Agreement shall be recorded at the Registry of Deeds or Land Registry Office at Halifax, Nova Scotia and the Developer shall incur all costs in recording such documents.

7.2 Subsequent Owners

- 7.2.1 This Agreement shall be binding upon the parties hereto, their heirs, successors, assigns, mortgagees, lessees and all subsequent owners, and shall run with the Lands which are the subject of this Agreement until this Agreement is discharged by Council.
- 7.2.2 Upon the transfer of title to any lot(s), the subsequent owner(s) thereof shall observe and perform the terms and conditions of this Agreement to the extent applicable to the lot(s).

7.3 Commencement of Development

- 7.3.1 In the event that development on the Lands has not commenced within ten years from the date of registration of this Agreement at the Registry of Deeds or Land Registry Office, as indicated herein, the Agreement shall have no further force or effect and henceforth the development of the Lands shall conform with the provisions of the Land Use By-Law.
- 7.3.2 For the purpose of this section, commencement of development shall mean final subdivision approval of the first phase of the lands.
- 7.3.3 For the purpose of this section, Council may consider granting an extension of the commencement of development time period through a resolution under Section 6.1, if the Municipality receives a written request from the Developer at least sixty (60) calendar days prior to the expiry of the commencement of development time period.

7.4 Completion of Development

- 7.4.1 Upon the completion of the whole development or complete phases of the development, or after fifteen years, Council may review this Agreement, in whole or in part, and may:
 - (a) retain the Agreement in its present form;
 - (b) negotiate a new Agreement;
 - (c) discharge this Agreement; or

- (d) for those portions of the development which are completed, discharge this Agreement and apply appropriate zoning pursuant to the Municipal Planning Strategy and Land Use By-Law for Bedford, as may be amended from time to time.

7.5 Discharge of Agreement

- 7.5.1 If the Developer fails to complete the development after 15 years from the date of registration of this Agreement at the Registry of Deeds or Land Registration Office Council may review this Agreement, in whole or in part, and may:
 - (a) retain the Agreement in its present form;
 - (b) negotiate a new Agreement; or
 - (c) discharge this Agreement.

PART 8: ENFORCEMENT AND RIGHTS AND REMEDIES ON DEFAULT

8.1 Enforcement

The Developer agrees that any officer appointed by the Municipality to enforce this Agreement shall be granted access onto the Lands during all reasonable hours without obtaining consent of the Developer. The Developer further agrees that, upon receiving written notification from an officer of the Municipality to inspect the interior of any building located on the Lands, the Developer agrees to allow for such an inspection during any reasonable hour within twenty four hours of receiving such a request.

8.2 Failure to Comply

If the Developer fails to observe or perform any condition of this Agreement after the Municipality has given the Developer 30 days written notice of the failure or default, then in each such case:

- (a) The Municipality shall be entitled to apply to any court of competent jurisdiction for injunctive relief including an order prohibiting the Developer from continuing such default and the Developer hereby submits to the jurisdiction of such Court and waives any defence based upon the allegation that damages would be an adequate remedy;
- (b) The Municipality may enter onto the Lands and perform any of the covenants contained in this Agreement or take such remedial action as is considered necessary to correct a breach of the Agreement, whereupon all reasonable expenses whether arising out of the entry onto the Lands or from the performance of the covenants or remedial action, shall be a first lien on the Lands and be shown on any tax certificate issued under the *Assessment Act*;

- (c) The Municipality may by resolution discharge this Agreement whereupon this Agreement shall have no further force or effect and henceforth the development of the Lands shall conform with the provisions of the Land Use By-Law;
- (d) Where trees or other vegetation are removed in contravention to the requirements of section 3.7 of this Agreement, the Development Officer may direct that a site rehabilitation plan be prepared with measures including but not limited to, the replanting of trees or vegetation of a similar size, age, and appearance within the disturbed area. The property owner shall pay all expenses associated with preparing and undertaking the plan and shall submit the plan to the Waters Advisory Board for a recommendation of approval and to the Community Council for approval before being undertaken; or
- (c) In addition to the above remedies, the Municipality reserves the right to pursue any other remedy under the *Halifax Regional Municipality Charter* or Common Law in order to ensure compliance with this Agreement.

WITNESS that this Agreement, made in triplicate, was properly executed by the respective Parties on this _____ day of _____, 201_.

SIGNED, SEALED AND DELIVERED
in the presence of:

=====

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

(INSERT PROPERTY OWNER)

Per: _____

Per: _____

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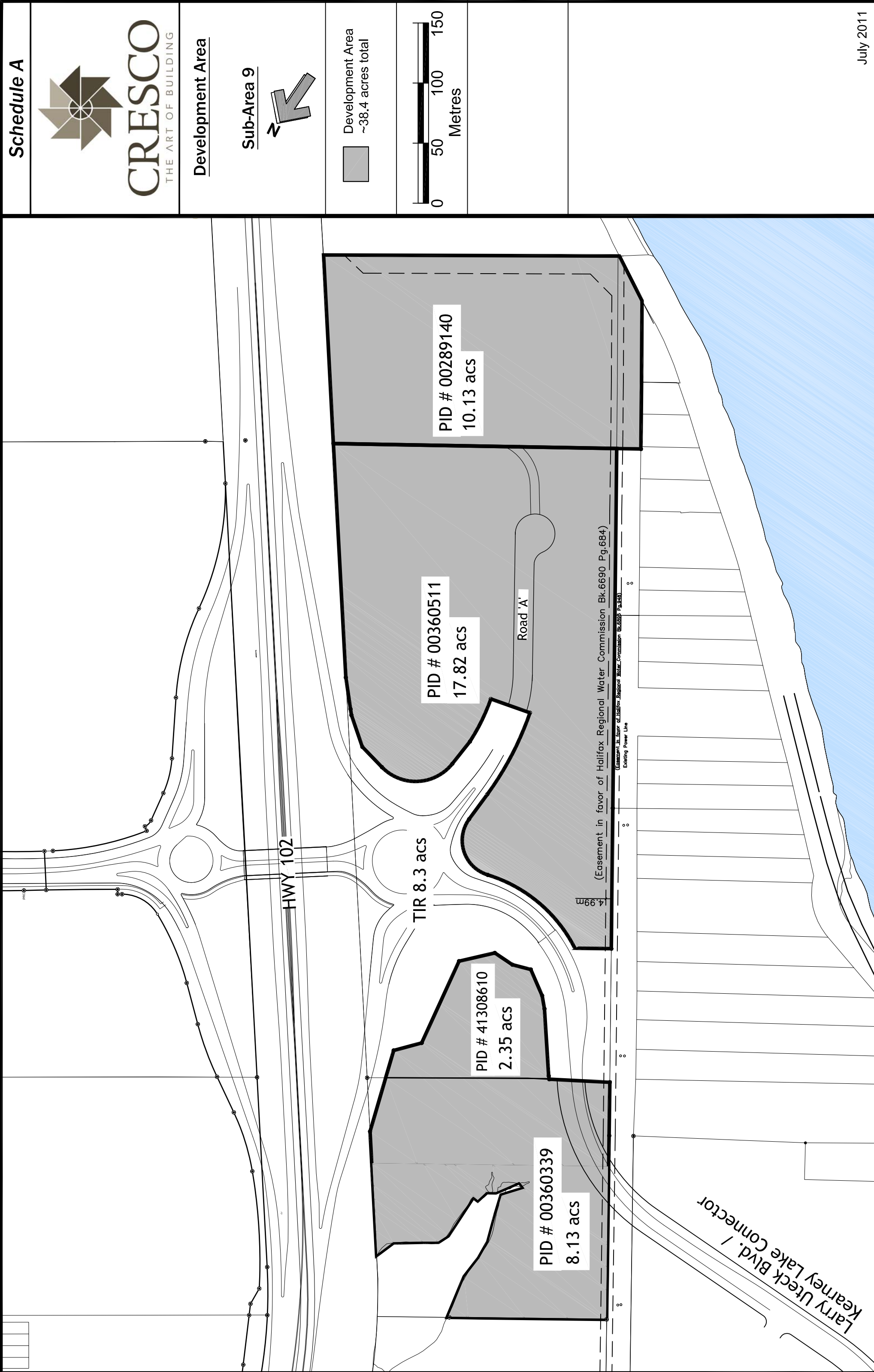
**HALIFAX REGIONAL
MUNICIPALITY**

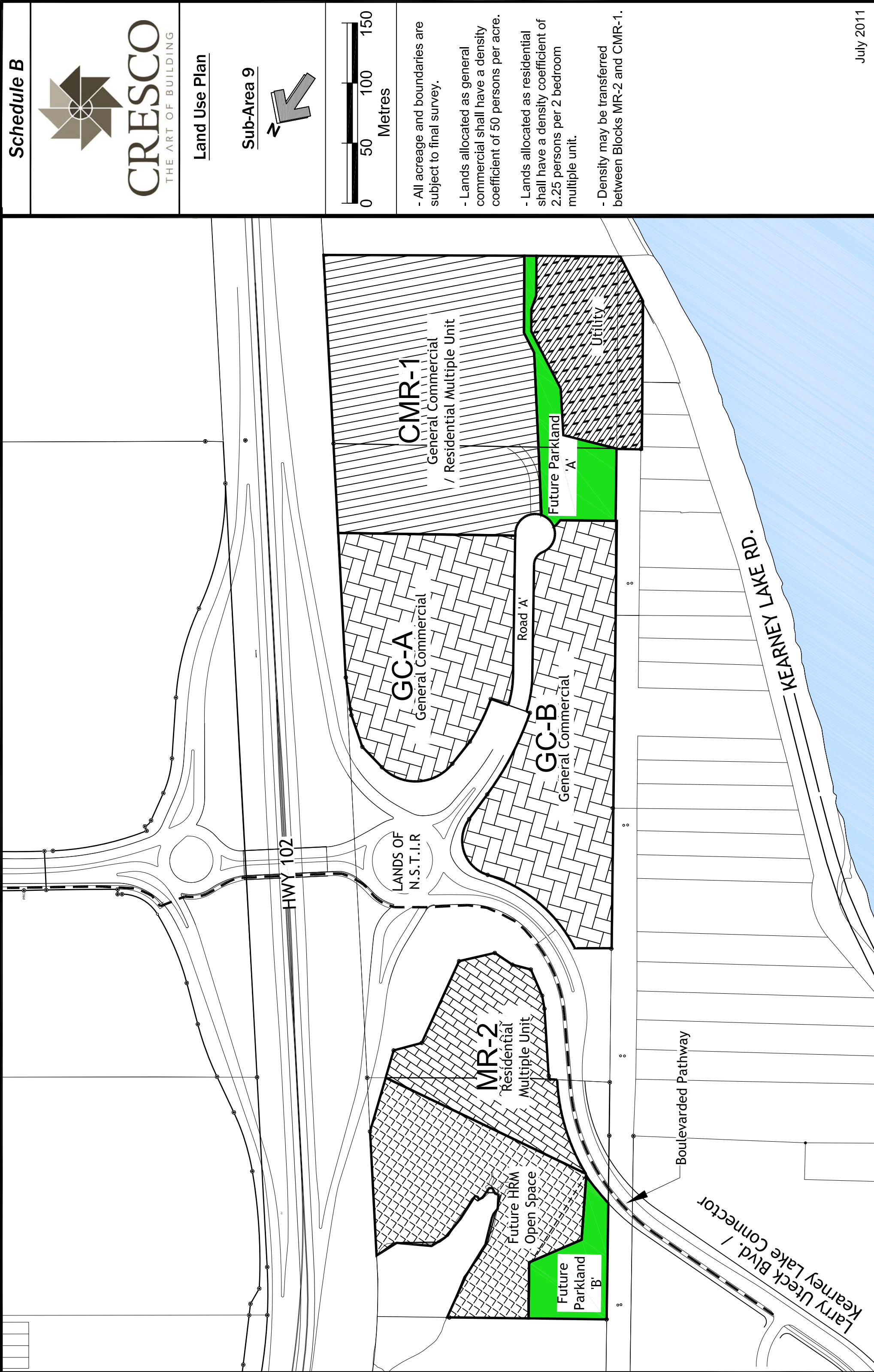
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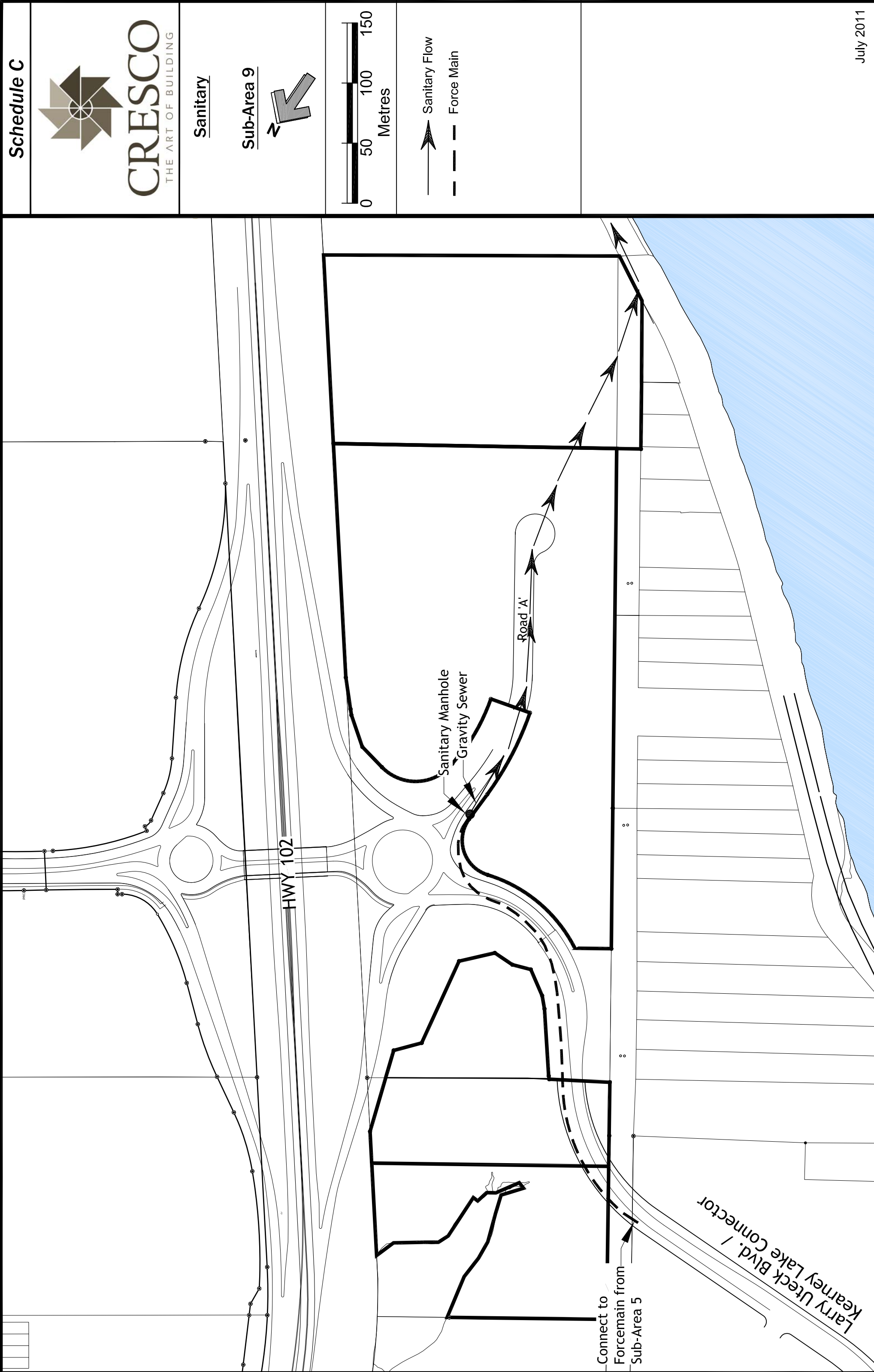
Mayor

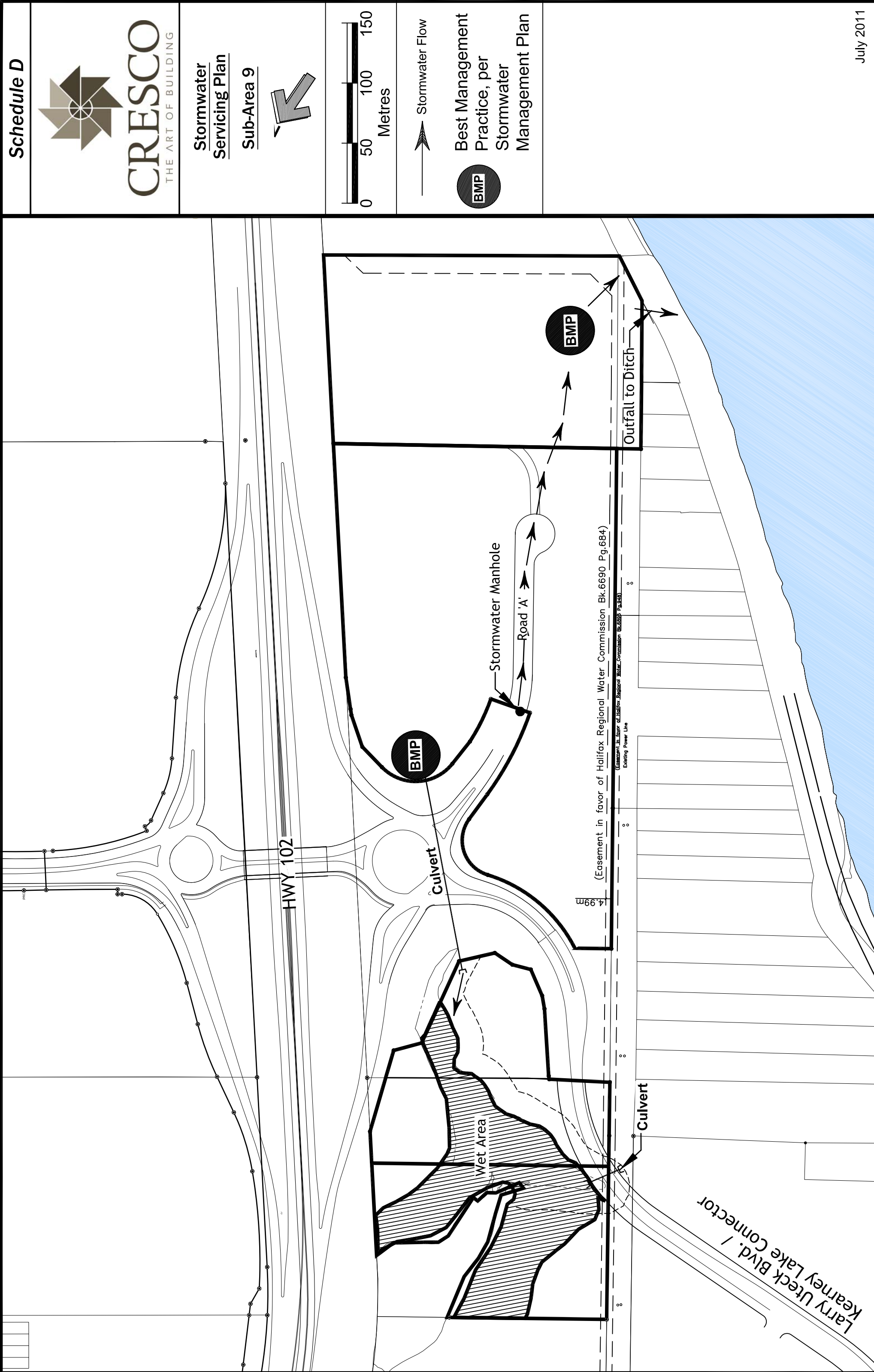
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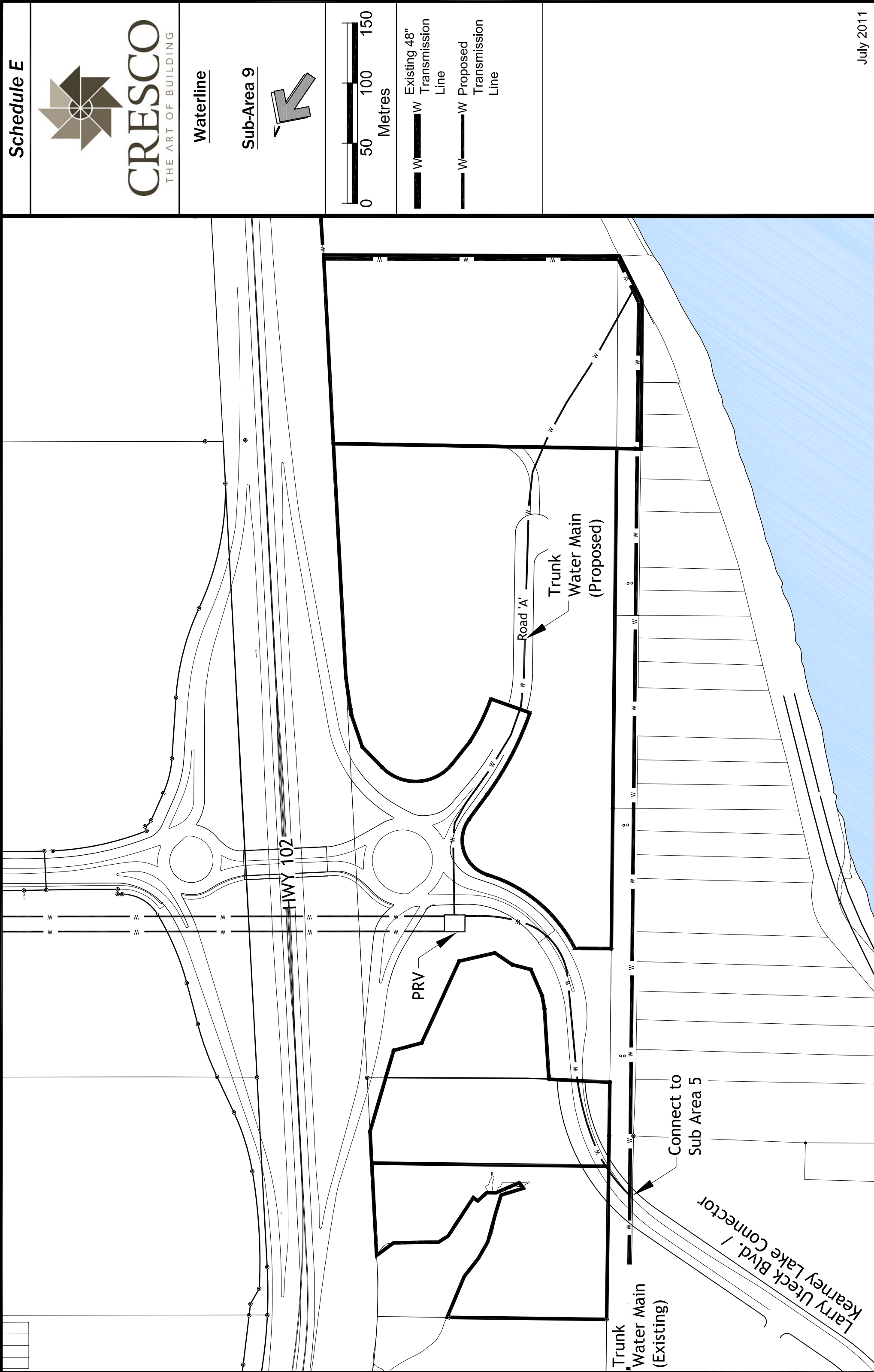
Municipal Clerk













Schedule G

General Commercial Design Guidelines

Pedestrian Access, Circulation and Parking

Applicants shall submit a detailed pedestrian circulation and parking plan with all development applications that provides safe, efficient and convenient pedestrian access and circulation patterns within and between developments. All applications shall comply with the following:

Required Pedestrian Connections - An on-site system of pedestrian walkways shall be designed to provide direct access and connections to and between the following:

- (a) The primary entrance or entrances and each individual commercial building,
- (b) Any sidewalks or walkways on adjacent properties that extend to the boundaries shared with community commercial development; and
- (c) Any public sidewalk system along the perimeter streets adjacent to the commercial development.

Minimum Walkway Width - All site walkways shall be a minimum of 1.5 metres in width.

Walkways along Buildings- Continuous pedestrian walkways shall be provided along the full length of a building along any facade featuring a customer entrance and along any facade abutting customer parking areas. Such walkways shall be located at least 1.8 metres from the facade of the building to provide planting beds for foundation landscaping, except where features such as arcades or entryways are part of the facade.

Location and Amount of Parking: Parking shall be provided in accordance with the parking provisions of the Bedford Land Use By-Law, as amended from time to time. Notwithstanding, parking requirements for a Take Out Restaurant shall be calculated at 8 spaces per 1,000 square feet of gross floor area. The Development Office may permit a reduction in the required parking by 30 percent where parking is to serve multiple tenants or uses.

Parking Lot Landscaping: Any development on the Lands shall conform with the provisions and requirement of Part 5 Section 32 and 35 of the Bedford Land Use By-Law as amended from time to time, unless otherwise stated by this agreement. For the purposes of Part 5, Section 35, Clause (o), a CSC Zone shall be deemed to apply to all General Commercial land uses on the Lands.

Variation in Massing - A single, large, dominant building mass shall be avoided.

Building Design

Minimum Wall Articulation for Commercial Buildings

- (a) Building walls visible from public streets, connecting walkways, or adjacent development shall include features such as but not limited to windows, entrances, arcades, arbours, awnings, trellises with vines, or alternate architectural detail along no less than sixty percent (60%) of the façade.
- (b) No interrupted length of any facade facing a public street shall exceed 30.5 horizontal metres (100 feet). Wall plane projections or recesses shall be incorporated into all facades greater than 30.5 horizontal metres (100 feet) in length, measured horizontally, having a depth of at least 3 percent of the length of the facade and extending at least 20 percent of the length of the facade.
- (c) One clearly defined, visible entrance way shall be provided on the main facade. The entrance way and front facade shall include no less than three of the following elements:
 - i) canopies or porticos
 - ii) overhangs
 - iii) recesses/projections
 - iv) arcades
 - v) raised corniced parapets over the door
 - vi) peaked roof forms
 - vii) display windows
 - viii) architectural details such as tile work, and mouldings which are integrated into the building
 - ix) integral planters or wing walls that incorporate landscaped areas and sitting places; and
 - x) or any other similar architectural treatment deemed to be an acceptable equivalent;
- (d) Rooftop equipment, including, but not limited to, satellite and other telecommunication equipment, air handling units, elevator equipment, cooling towers and exhaust fans shall to be screened (visually). The screening shall include but not limited to parapets and enclosures. Building screens shall be part of the architectural design with similar detailing and materials and not appear as add-ons.

Building Walls Facing Public Areas - In addition to the above, building walls that face public streets, connecting walkways, or adjacent development shall be subdivided and proportioned using features such as windows, entrances, arcades, arbours, awnings, trellises with vines, or alternate architectural detail that defines human scale, along no less than sixty percent (60%) of the façade.

Other Requirements

- (a) Architectural treatment shall be continued around all sides.

- (b) Propane tanks and electrical transformers and all other exterior utility boxes shall be located and secured in accordance with the applicable approval agencies. These facilities shall be screened by means of opaque fencing, structural walls or suitable landscaping.
- (c) Electrical power, telephone, cable and similar utilities shall be brought by underground conduit to the building.
- (d) Any exposed foundation in excess of 0.61 metres (2 feet) in height and 1.86 square metres (20 square feet) in total area shall be architecturally detailed or veneered with stone or brick
- (e) Any exposed lumber on the exterior shall be painted, stained or clad on metal or vinyl.
- (f) Mechanical equipment shall be screened from view by a combination of architectural treatments, fencing and landscaping.
- (g) No outdoor storage or outdoor display and sales shall be permitted

Signage

Signage shall be provided in accordance with the sign provisions of the Bedford Land Use Bylaw, as amended from time to time. Notwithstanding these provisions, multi-tenant ground signs and facial wall signs shall be permitted as follows:

Facial Wall Signs:

- a) For the purposes of Part 5 Section 38.1.c) of the Land Use By-Law for Bedford, as amended from time to time, all facial wall signs per business shall count as one sign;
- b) No facial wall sign shall have an area which exceeds ten (10) percent of the area of the wall on which it is attached;
- c) The total area of all facial wall signs on a wall shall not exceed fifteen (15) percent of the area of the wall to which it is attached;
- d) Signs on an individual building may contain more than one message per business premise Multi-tenant ground signs shall be permitted in addition to the permitted number of signs in accordance with the following:

Block GC-A

- a) one multi-tenant ground sign adjacent to Highway 102 and shall not exceed 18.3 metres (60 ft.) in height and not exceed 37.16 m (400 sq. ft.) in size per face.
- b) one multi-tenant ground sign adjacent to any additional public road and shall not exceed 12.2 metres (40 ft.) in height and not exceed 23.22 metres (250 sq. ft.) in size per face.
- c) the above noted signs shall be in addition to signs permitted under the Bedford Land Use By-Law.

Block GC-B

- a) one multi-tenant ground sign adjacent Larry Uteck Boulevard or any other public road and shall not exceed 12.2 metres (40 ft.) in height and not exceed 23.22 metres (250 sq. ft.) in size per face.

- b) the above noted sign shall be in addition to signs permitted under the Bedford Land Use By-Law.

Schedule H

General Commercial Land Uses

No development permit shall be issued in a General Commercial area except for one or more of the following uses:

- a) All Age/Teen Clubs
- b) Banks and Financial Institutions
- c) Billiard and Snooker Clubs
- d) Commercial Photography
- e) Daycare Facilities, Nursery Schools, Early Learning Centres
- f) Drycleaning Depots
- g) Funeral Homes
- h) Garden Markets
- i) General Retail exclusive of mobile home dealerships but inclusive of building supply sales
- j) Ice cream stands
- k) Medical Clinics
- l) Neighbourhood Convenience Stores
- m) Office Uses
- n) Private Clubs (social)
- o) Full Service, Drive-in and Take Out Restaurants
- p) Service, Personal Service Shops, Health and Wellness Centres exclusive of massage parlours
- q) Veterinary clinics
- r) Institutional (SI) uses, excluding cemeteries
- s) parking lots and structures
- t) gas bars
- u) service stations,
- v) automotive vehicle, parts & accessories sales and service
- w) Uses accessory to the foregoing uses (including drive-thru windows)

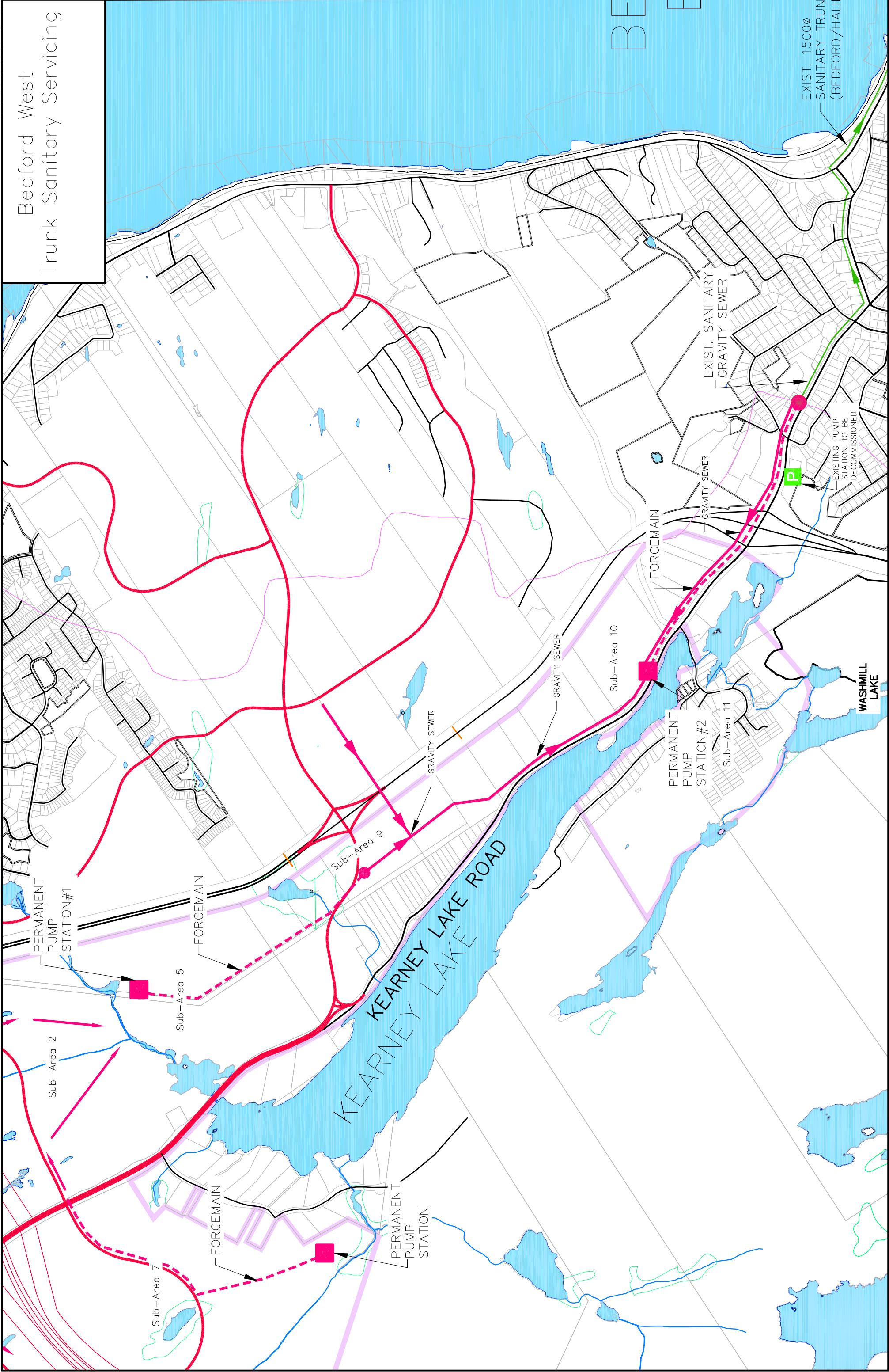
(All uses shall be defined as found in the Bedford Land Use By-Law)

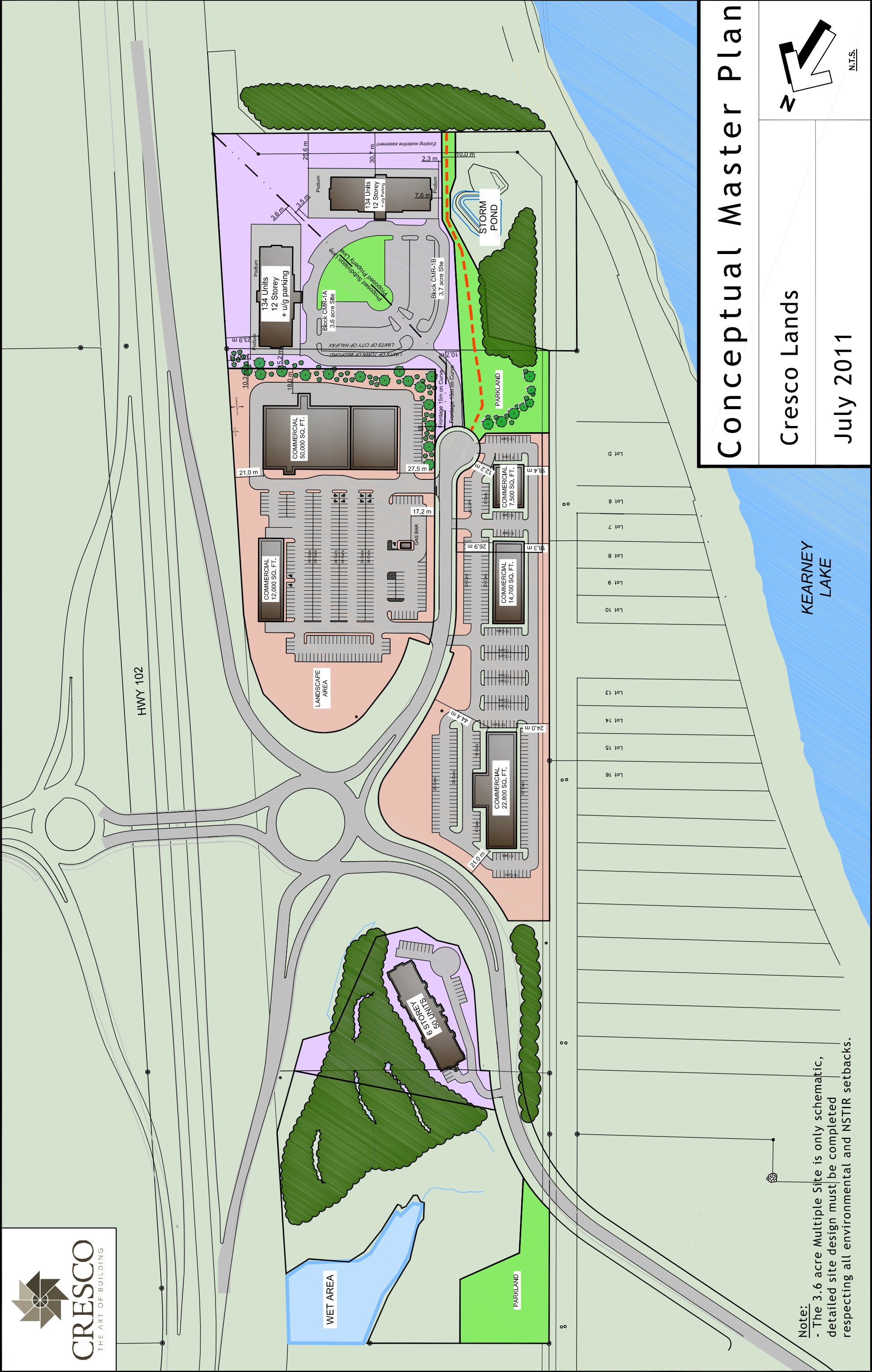
Schedule I
Design Criteria for Multi-Unit Buildings

1. Multi-unit building developments shall conform with the following design criteria:
 - a) Architectural detailing including, but not limited to, lintels, pediments, pilasters, columns, porticos, overhangs, cornerboards, frieze, fascia boards, shall be incorporated.
 - b) Architectural treatment shall be continued around all sides.
 - c) Propane tanks and electrical transformers and all other exterior utility boxes shall be located and secured in accordance with the applicable approval agencies. These facilities shall be screened by means of opaque fencing, structural walls or suitable landscaping.
 - d) Electrical power, telephone, cable and similar utilities shall be brought by underground conduit to the building.
 - e) Any exposed foundation in excess of 0.61 metres (2 feet) in height and 1.86 square metres (20 square feet) in total area shall be architecturally detailed or veneered with stone or brick
 - f) Any exposed lumber on the exterior shall be painted, stained or clad in a painted metal or vinyl.
 - g) Mechanical equipment shall be screened from view by a combination of architectural treatments, fencing and landscaping.
 - h) A public walkway shall be provided from the public sidewalk to the main entrance (s) to any multi-unit residential building. The walkway shall be hard surfaced and a minimum of 1.5 m wide. Where more than one multiple unit dwellings is located on a site, the walkway shall connect the buildings.

Schedule J

Bedford West
Trunk Sanitary Servicing



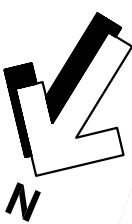


Note:
- The 3.6 acre Multiple Site is only schematic, detailed site design must be completed respecting all environmental and NSTIR setbacks.

Conceptual Master Plan

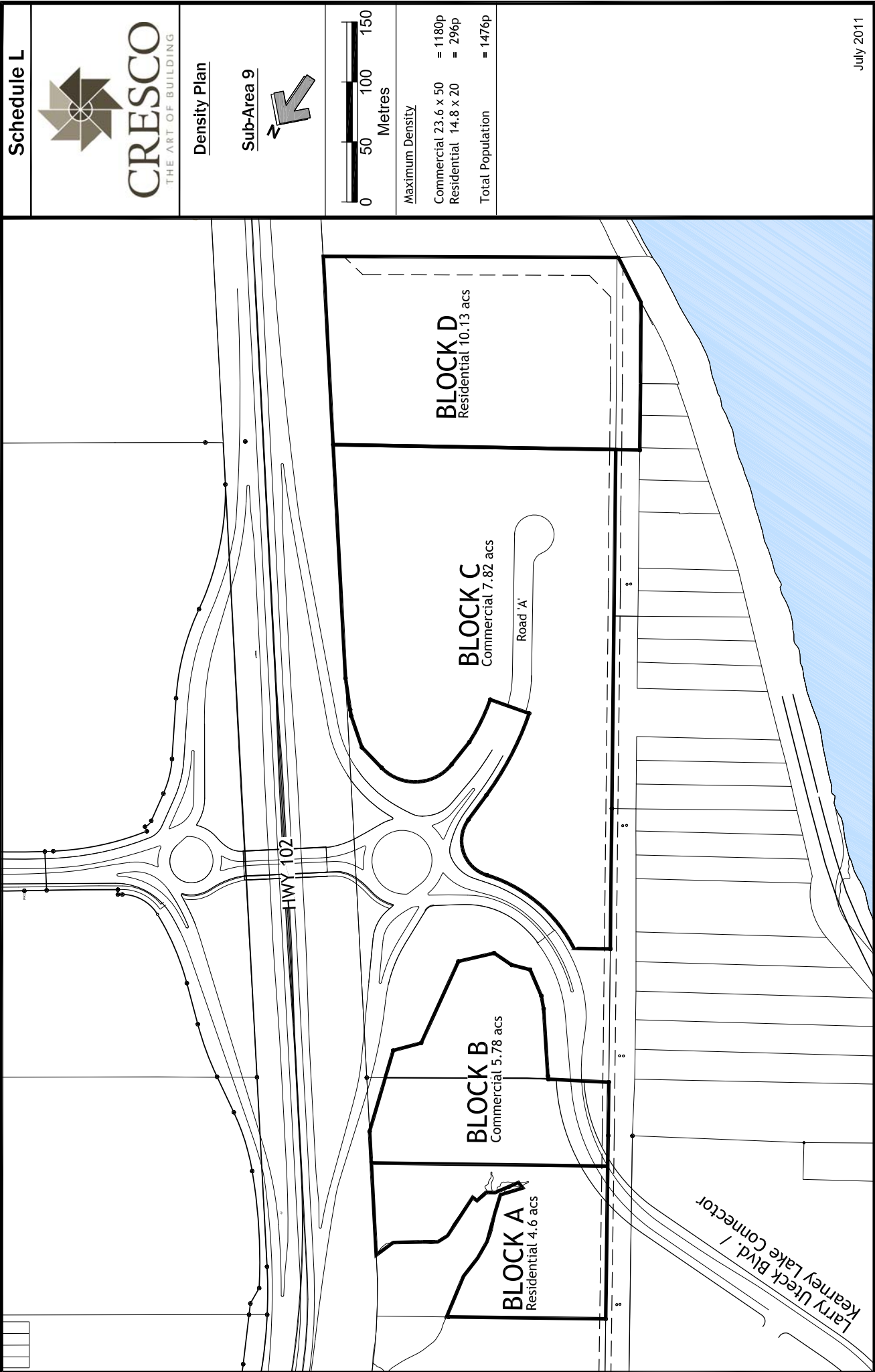
Cresco Lands

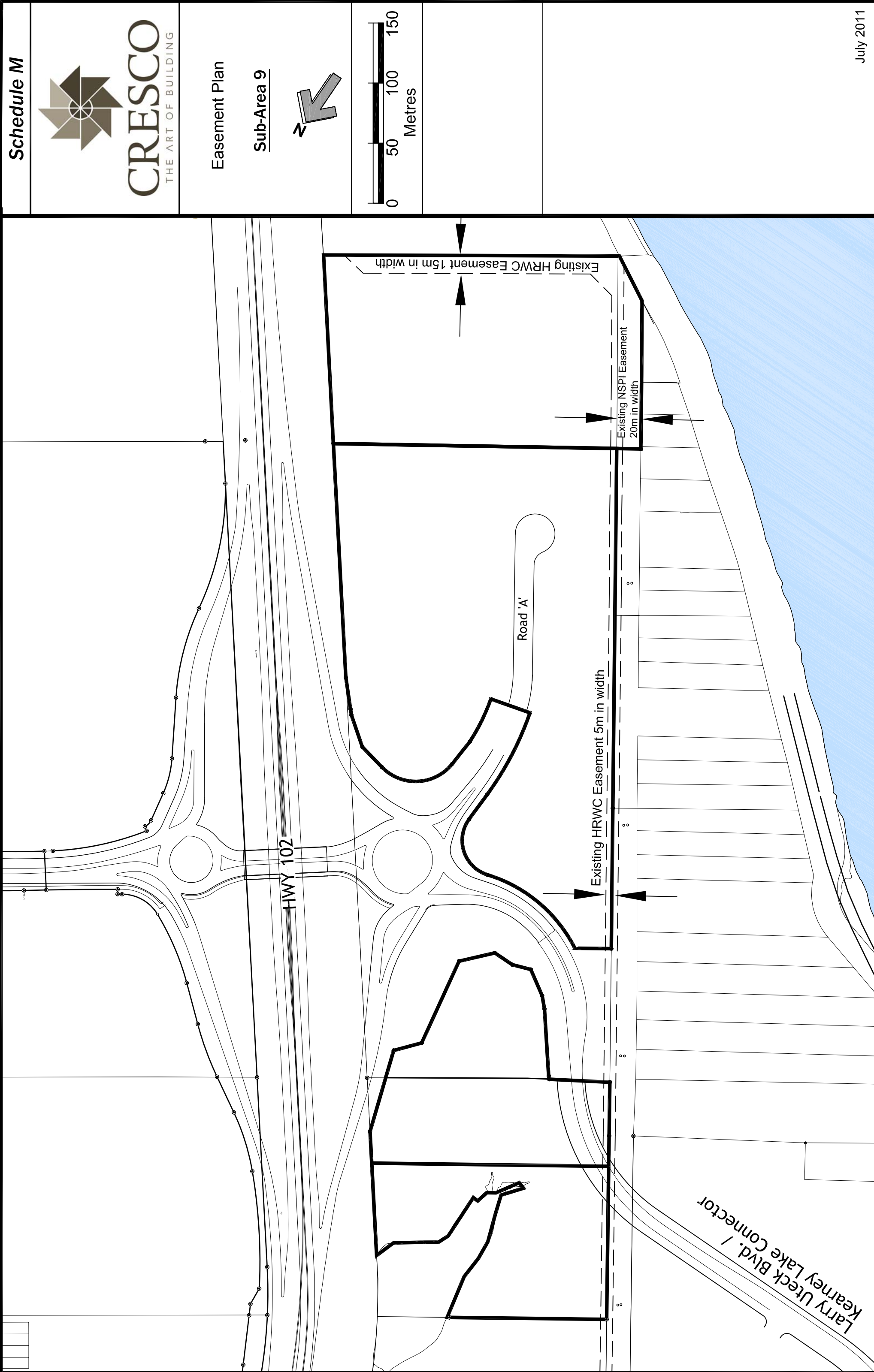
July 2011



N.T.S.

KEARNEY LAKE





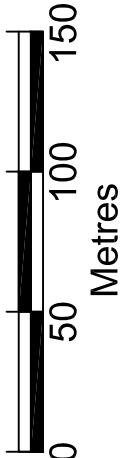
Schedule M



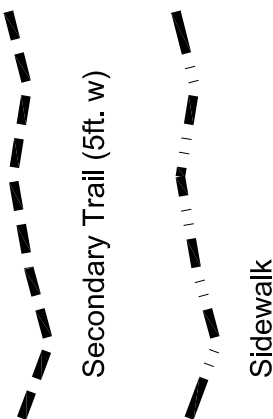
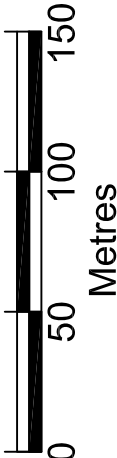
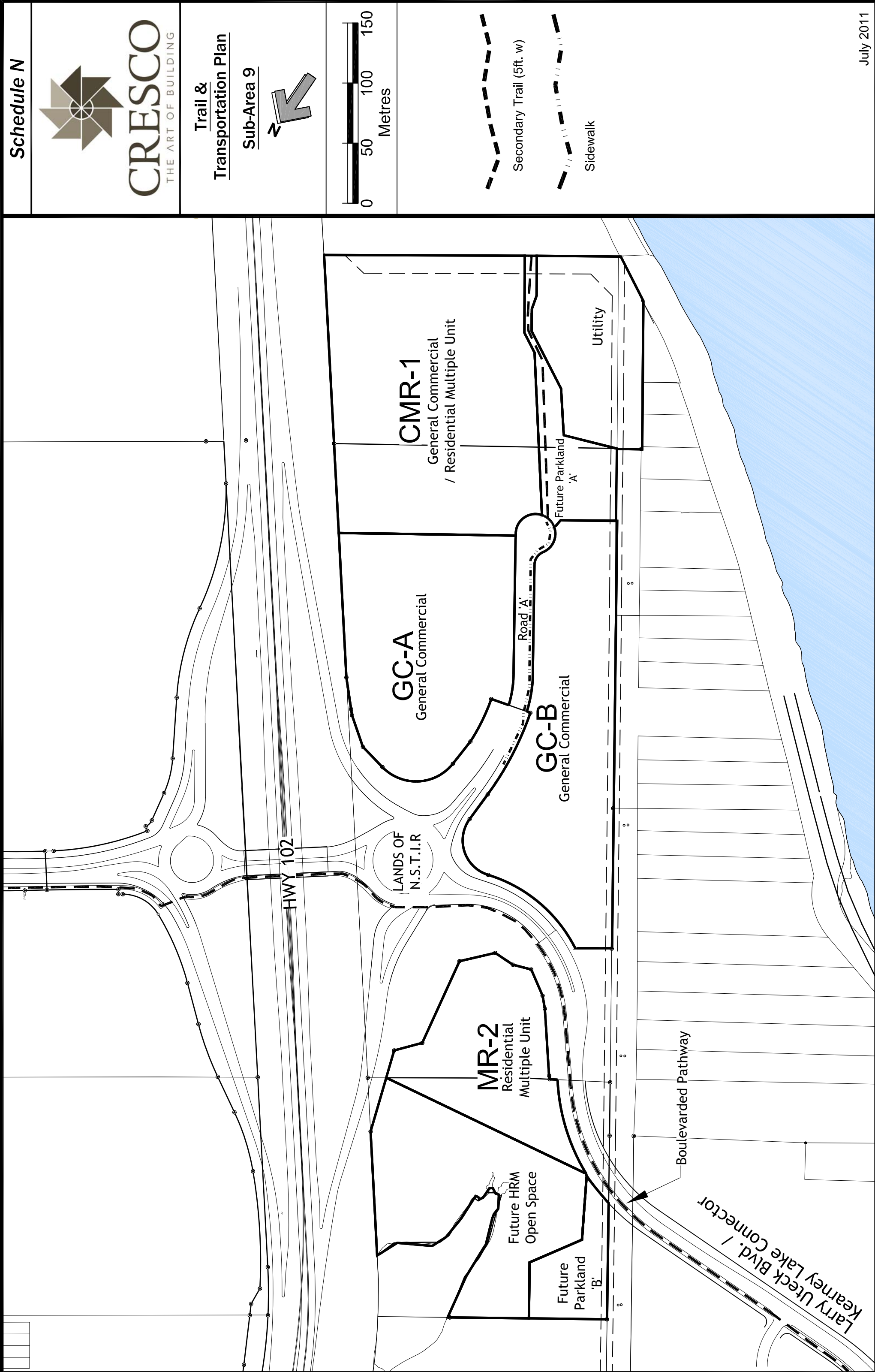
CRESCO
THE ART OF BUILDING

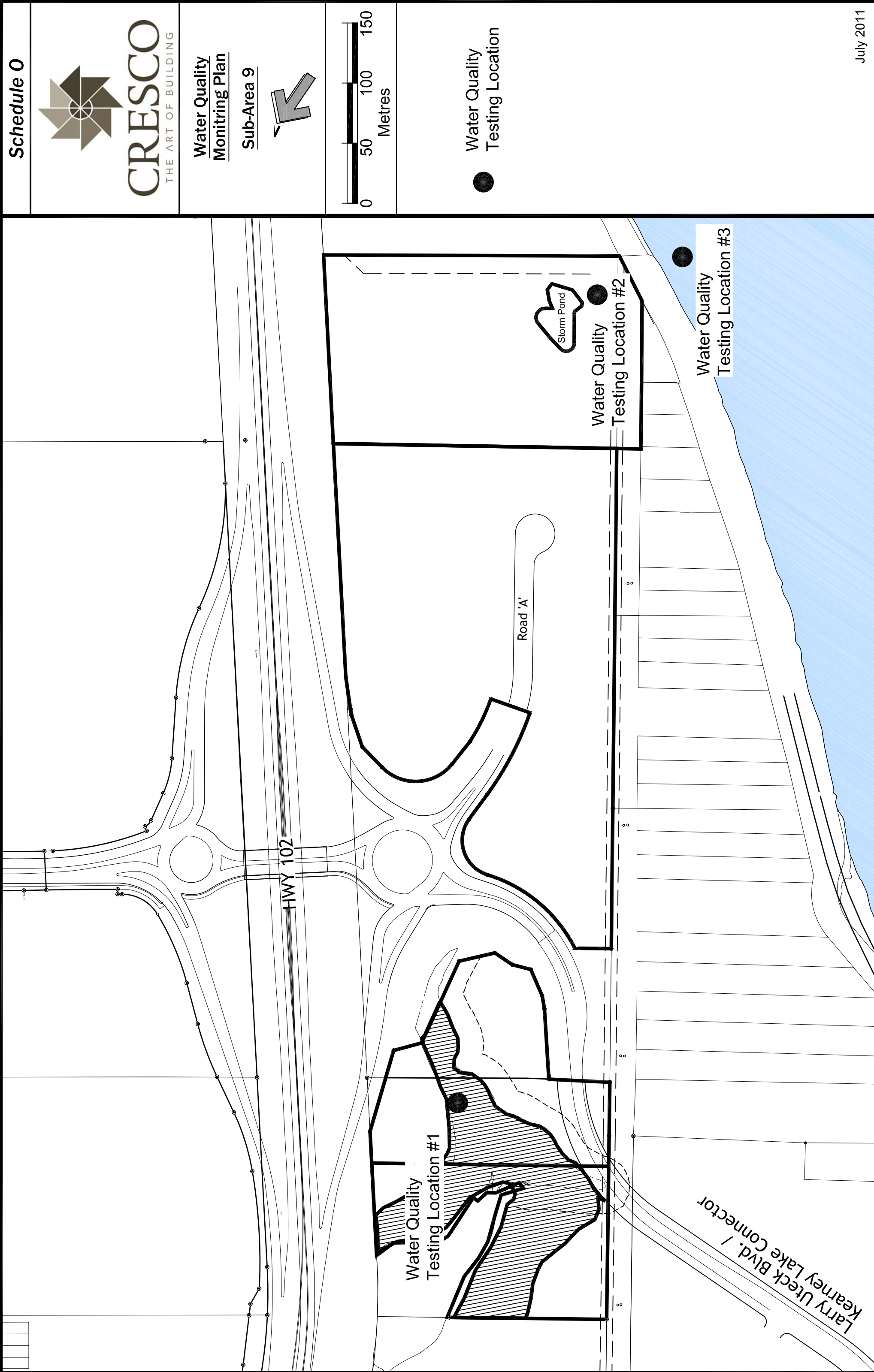
Easement Plan

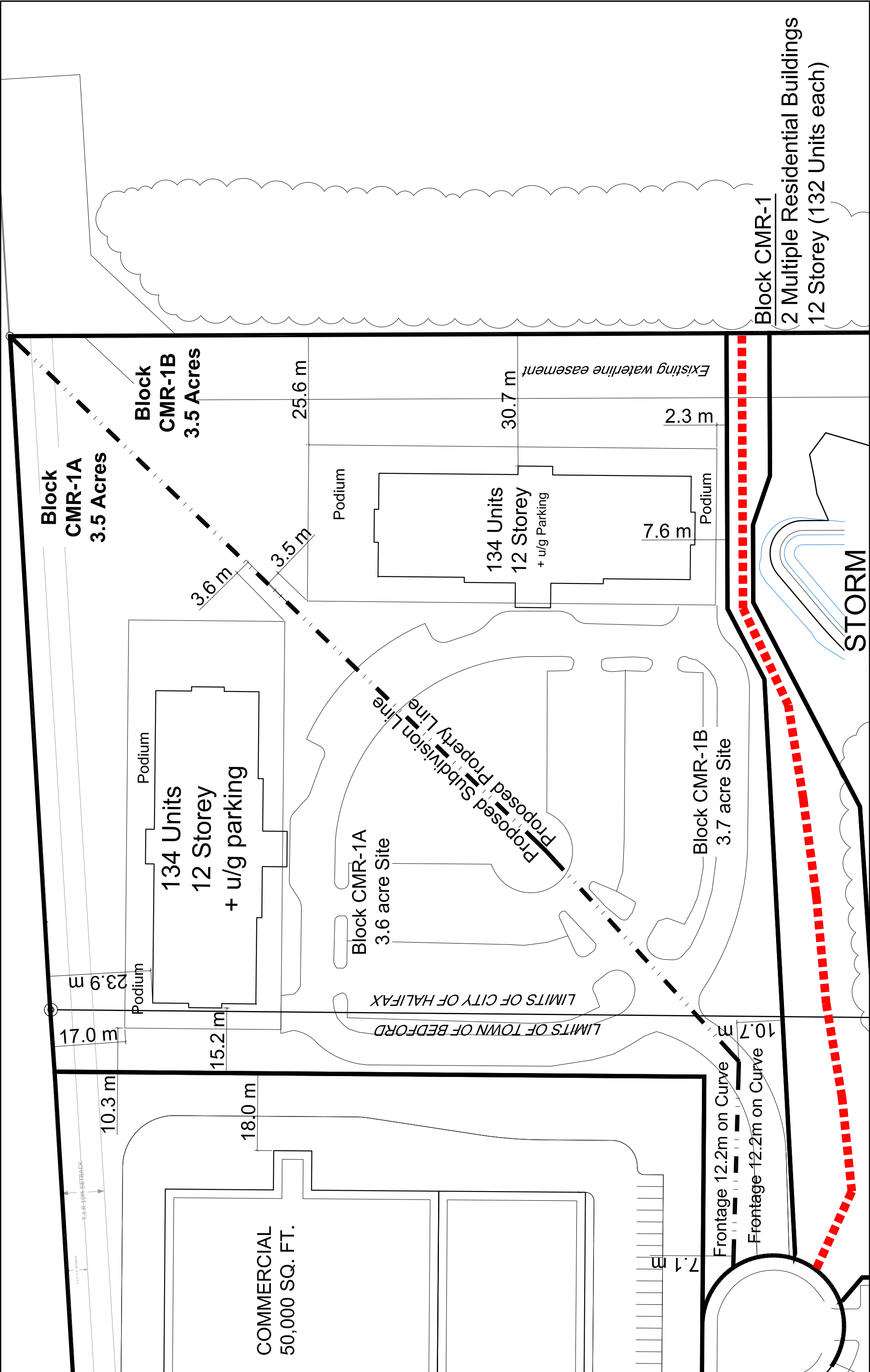
Sub-Area 9



July 2011







Schedule 'Q'

Block MR-2
3± Acre Site



Attachment B

Bedford MPS Policy Review

Policy BW-1: No development agreement shall be approved unless a master storm water management plan has been prepared, reviewed by the Bedford Waters Advisory Board and accepted by the Municipality. The management plan shall: (a) identify significant constraints and sensitivities with regard to flood potential, and environmental features and provide appropriate protection measures; (b) provide estimates of pre-development and post development flow rates (where post development flow rate means the expected flow rates upon full build out of an area as permitted by the development agreement) at critical locations within watercourses such as at culverts and other road crossings and at downstream developments; (c) outline the type and location of storm water management facilities and the approach to protecting receiving waters from contamination, excessive flow rates and loss of aquatic habitat and to protect the quantity and quality of groundwater flows; and (d) conform with the recommendations of the Bedford West Planning Area Subwatershed Management Plan (Jacques Whitford: May 2004) unless otherwise acceptable to the Municipality and the Province.	A master stormwater management plan has been prepared and reviewed by the Bedford Waters Advisory Board. The master stormwater plan includes all the requirements of Policy BW-1. Further the plan has been reviewed by the Municipality and the Province and has been deemed acceptable. Copies of the Master Storm Water Management Plan are available upon request.
Policy BW-2: No subdivision approvals shall be granted unless the detailed design specifications conform with the master stormwater management plan approved under policy BW-1.	The proposed development agreement requires that the detailed design of the development conform to the master stormwater management plan.
Policy BW-3: A water quality monitoring program shall be undertaken for the Paper Mill Lake watershed, illustrated on Schedule BW-2 to track the eutrophication process. The program is to be designed in accordance with national guidelines established by the Canadian Council for Ministers of the Environment (the CCME guidelines) and undertaken by a qualified persons retained by the Municipality and financed in whole or in part by developers within the watershed area. Specifics of the program are to be negotiated under the terms of a development agreement in consultation with the Bedford Watershed Advisory Board. The monitoring program shall: (a) specify the duration of monitoring for the pre-construction, construction and post-construction phases of development. Pre-construction phase means a period of time before construction activity starts. Post-construction phase means a period of time that commences at full build out of the area permitted by a development agreement. Construction phase means the full time period between the pre-construction and post-construction phase); (b) specify the physical and chemical water quality indicators to be measured, the location and frequency of	A water quality monitoring program for the Papermill Lake watershed is required to be established by the proposed development agreement. The proposed monitoring program complies with the requirements of Policy BW-3.

testing and the format of submissions to the Municipality in each phase referenced under clause (a); (c) establish physical and chemical water quality indicator threshold levels for the recreational uses of the lakes which would be used as a basis for reevaluating watershed management controls and future development potential within the area. The threshold indicators are to be established prior to any development approvals being granted; (d) conform with all water quality policies, specifications, protocols and review and approval procedures approved by Regional Council.	
Policy BW-4: Where the Community Council is satisfied that a development agreement application has been made for a development proposal which could not be reasonably expected to impact the quality of water within the Paper Mill Lake watershed, the requirements of policy BW-3 may be waived. The Community Council shall seek the advice of the Bedford Watershed Advisory Board before granting any waiver.	The requirements for a water quality monitoring program have not been waived, as the proposed development could potentially affect the quality of water within Paper Mill Lake.
Policy BW-5: In the event that water quality threshold levels, as specified under clause (c) of policy BW-3, for Paper Mill Lake or Kearney Lake are reached, the Municipality shall undertake an assessment and determine an appropriate course of action respecting watershed management and future land use development in the area. An assessment shall consider the CCME guidelines. Water quality thresholds and any assessment reports shall be made available to the public.	These requirements do not need to be included in the development agreement as they are not intended to bind the developer to a specific action. The Municipality will undertake the identified assessment and should threshold indicators be exceeded seek remedies.
Policy BW-6: No stormwater shall be discharged directly into any natural watercourse without the use of mitigative measures as stipulated in under the stormwater management plan and in accordance with municipal and provincial guidelines.	The proposed development agreement requires mitigative measures prior to discharging stormwater in to a watercourse.
Policy BW-7: No development, grade alteration, excavation, fill, pavement or removal of natural vegetation shall be permitted within one hundred (100) feet of the high water mark, or within the limits of any 1 in 20 year flood plain of Kearney Lake, Kearney Lake Run or Black Duck Brook or within sixty-six (66) feet of the high water mark of any other watercourse, or within the limits of any 1 in 20 year flood plain of any watercourse, except as provided for by development agreement in accordance with an approved water management plan approved pursuant to the provisions of policy BW-9 or as provided to allow for trail systems, transportation crossings or utilities.	The proposed development agreement includes requirements to fulfill the requirements of Policy BW-7.
Policy BW-8: No development agreement shall be entered into over lands on which trees have been removed except: a) as may be required for a bonafide land survey; b) to satisfy any provincial or federal requirements; or c) where, in the opinion of Council, the extent of such cutting would not preclude achieving the three objectives stated above.	The removal of trees was authorized in specific location by the Municipality on the Sub Area 9 site to meet a provincial need to provide aggregate associated with the interchange at Larry Uteck Boulevard. Such removal was limited to areas where future disturbance was expected.

Policy BW-9: Within any watercourse protection setback established under policy BW-7, no vegetation or soil shall be removed or altered unless a management plan has been approved to provide for restoration of vegetation, shoreline access paths, habitat management, safety and welfare or shoreline recreation where such provisions may be made without adversely affecting the primary purpose of preserving water quality in the lake. Any study or management plan submitted pursuant to this clause shall be prepared by a person qualified to make the required determinations and an approval procedure shall be established under the terms of a development agreement.	A portion of the required watercourse setback lands are to be controlled by the Municipality as parkland. Within these buffers little disturbance is expected except for trail development where a secondary trail will be constructed in a sensitive manner which would minimize the removal of vegetation and the alteration of grade. Where land within the required setback is privately held, there are controls within the agreement to identify the setbacks prior to construction. Further no disturbance is permitted within the identified setbacks. Replacement of removed or damaged trees is included in the development agreement.
Policy BW-10: Wetlands, lakes, watercourses, endangered species habitat and any other features of environmental significance shall be delineated as non-disturbance areas under development agreements. Non-disturbance areas shall be located to allow for continuity of non-disturbance areas on abutting lots, municipal parkland and open space dedications, and natural areas adjacent to watercourses.	Riparian buffers have been established along all watercourses and wetlands as required by policy BW-7 and the watercourse setback requirements of the Bedford Land Use By-Law. These controls act as non-disturbance zones. Further, except for limited stormwater infrastructure, parkland development and crossings, there is no activity proposed within these areas. Further, the developer is required to delineate these areas prior to the start of construction activity.
Policy BW-11: A tree replanting program shall be incorporated into development agreements. The program shall specify the locations, number, type and diameter of trees to be planted. The type of trees shall be indigenous to Nova Scotia.	A tree replanting program which complies with Policy BW-11 has been included in the proposed development agreement. (Clause 3.11.8) Further the Municipal Service System Specifications require the planting of street trees within the public right-of-way for streets.
Policy BW-12: Development of major land areas on slopes in excess of twenty-five percent (25%) shall be prohibited under any development agreement except where it can be demonstrated that such development would not create any hazard and could better preserve open spaces or areas of environmental value.	Sub Area 9 consists of a series of rock ridges that are distributed throughout the Sub Area. Avoidance of these areas is not possible. Significant grading of the lands will take place to render these ridges developable land. Protection of ridges has been enabled within riparian buffers. Schedule F of Attachment A identifies slopes of 25 percent or greater.
Policy BW-13: The Municipality may allow for modifications to the service system specifications adopted under subdivision regulations where such modifications would enhance the ability to preserve the natural environment without compromising the intended objectives of the service systems.	The proposal does not request to modify these specifications.
Policy BW-14: The water distribution system shall conform with the recommendations of the Birch Cove North/ Bedford West Water Master Infrastructure Plan (CBCL, 1999) and with the system schematics illustrated on Schedule BW-3 unless otherwise acceptable to the Halifax Regional Water Commission and no development shall be approved by the Municipality unless notified by the Commission that the proposed distribution system conforms with all design and operating specifications established.	The proposed agreement requires compliance to the study and the requirements of Halifax Water. (Clause 4.3.1)
Policy BW-15: The sanitary sewer system shall be designed in conformity with the schematics illustrated on Schedule BW-4 and in accordance with the Municipality's Service Systems Specifications, as amended from time to time. Sewage flow calculations, shall be based on an assumed occupancy of 3.35	The sanitary sewer is required to be designed to the Halifax Water Design and Construction Specifications which supersedes the Municipality's MSS Specifications (Clause 4.4.1). The proposal conforms with Schedule BW-4 and the requirements of the proposed agreement comply with the identified sewer calculations.

persons per single unit, two-unit or townhouse dwelling and 2.25 persons per unit in each multiple unit dwelling; 50 persons per acre for general commercial uses within the Community Commercial Centre shown on Schedule BW-7 or proposed within Sub-Area 9; and 40 persons per acre for mixed use business campus uses; and 30 persons per acre for local commercial, community facility and institutional uses ¹ .	(Clause 4.4.7) The proposal includes a general commercial uses at 50 persons per acre. (Clause 4.4.7)
Policy BW-16: Based on the assumed occupancies under policy BW-15 and the phasing plan illustrated on schedule BW-6, the sanitary sewer system shall be designed to satisfy the following conditions: a) a maximum density of 40 persons per acre shall be permitted for all lands to be developed as a mixed use business campus within Sub-Area 3; b) a maximum density of 50 persons per acre shall be permitted for all lands designated community commercial centre within Sub-Areas 2, 6, 7 and 8 as illustrated on schedule BW-7 or proposed for general commercial uses within Sub-Area 9 and 12; c) For all other Sub-Areas or part thereof, a maximum density of 20 person per acre shall be permitted; and d) the temporary pumping station and forcemain, illustrated as “PS (TEMP)” and “FORCEMAIN (TEMP)” on schedule BW-4, shall be permitted to service a maximum of 6,100 persons where upon the permanent pumping station and forcemain along the Kearney Lake Road must be designed and constructed to service all lands intended to flow to the Halifax Sewage Treatment Plant (as illustrated on schedule BW-4). This requirement may be waived if: - i.) the financing for the construction for the permanent pumping station and forcemain has been secured by the Municipality and a time frame for construction agreed upon; and - ii.) there is sufficient capacity remaining in the temporary pumping station and forcemain to allow for additional sewage discharge to the Mill Cove Sewage Treatment Plant. In the event that any Sub-Area is not developed to the maximum permitted density, the Municipality may consider allowing the difference to be allocated to another Sub-Area provided that the development proposal conforms will all other policies established under this secondary planning strategy.	The proposed development agreement enables development of a maximum of 1476 persons. This population complies with the required densities.
Policy BW-16A – The maximum permitted population for Sub-Area 9 (including portions within the Halifax Municipal Planning Strategy) shall not exceed 1476 persons.	The development enables a population of 1476 persons within Sub-Area 9.
Policy BW-17: A community street and trail system shall be developed in substantial conformity with the designations and	The street and trail system conform to Schedule BW-5 (Schedule N of Attachment A). The requirements for the Kearney Lake

¹ For the purposes of this Secondary Planning Strategy, all density calculations are based on gross area.

alignments presented on Schedule BW-5 except that variations to the alignment may be considered to enhance safety, provide a better fit with the natural terrain, mitigate surface runoff or preserve significant environmental features. The following requirements shall be applied: a) the connector road from Kearney Lake Road to the Larry Uteck Drive interchange shall be designed with a right-of-way width sufficient to allow for two lanes of through traffic with turning lanes at intersections. Direct driveway access shall be restricted to commercial developments in the vicinity of the interchange and all other access shall be restricted to street intersections. The need for sidewalks will be determined at the time a street plan is submitted in association with a development agreement for Sub-Area 9 as illustrated on Schedule BW-6; b) the Community Collector Road shall be designed as an urban minor collector with sufficient right-of-way width for two lanes of traffic, turning lanes, where required, and sidewalks on both sides. Direct driveway access shall be restricted to commercial developments, apartment buildings, institutions and clustered housing developments comprised of at least eight housing units with one driveway access to the Community Collector Road. One or more rotaries may be permitted; c) a regional trail system shall be designed to connect with the destination nodes illustrated on BW-5. d) community trail systems shall be constructed by the developer of the lands on which it is located with the design specifications negotiated under a development agreement. Trails shall be designed and constructed in accordance with the Guidelines of the Nova Scotia Trails Federation unless otherwise acceptable to the Municipality. Variations to the Municipal Service Specifications for sidewalks may be considered where a trail is proposed which would provide improved accessibility for pedestrian travel in the community; and e) phasing of transportation system upgrades shall be undertaken in accordance with the recommendations of the Transportation Plan (MRC Delphi, February 2004) unless otherwise agreed to by the Municipality and the Province.	Connector are met through clauses Clause 4.2.7 to 4.2.10. The Kearney Lake Connector requirements include a boulevard pathway (multi-use trail) intended to be part of the regional trail system. Adjacent to the Boulevard Pathway is a destination node (a community park on the north side of Larry Uteck Boulevard) The proposed development agreement includes a community trail with an approximate length of 222 metres as part of the required parkland development which will connect the General Commercial area with future development in Sub Area 10.. Additional trail may be constructed in the future, subject to HRM budget availability. The proposed development does not include any anticipated future upgrades except the Kearney Lake Connector (as they are located in other areas). The Collector is being built within anticipated timelines.
Policy BW-18: The Municipality shall prohibit motorized conveyances on all trails, except maintenance, emergency or patrol vehicles, and except electric wheelchairs or similar devices required for mobility by persons with disabilities.	This item is a matter for the Municipality to enforce once trails are constructed; this is not a matter for the development agreement.
Policy BW-19: Variations to municipal service system standards may be considered where such variations conform with the principles set forth in the Transportation Association of Canada's "A New Vision for Urban Transportation" or any other guidelines or policies acceptable to the Municipality. Consideration shall be given to the objectives and policies established under this Municipal Planning Strategy, public safety, environmental and lifestyle factors, and capital and	Variations to municipal service system standards have not been proposed.

operating costs as well as other benefits to the Municipality, such as construction of trail systems on public lands.	
Policy BW-20: A development Sub-Area plan is established for this secondary plan area as illustrated on Schedule BW-6 in which the following conditions shall apply: a) Any approvals within Sub-Areas 1 to 12 will also be contingent upon availability of capacity within municipal service systems; b) any development agreement entered into within Sub-Areas 2 to 8 and 12 shall include provisions for all new development intended within the Sub-Area; c) any development agreement for Sub-Area 4 will require that either (i) the community collector road be completed from the Kearney Lake Road to the Hammonds Plains Road through Sub-Areas 2 and 3 or (ii) the community collector road is constructed through Sub-Area 6 to the Kearney Lake Road; d) approval for Sub-Area 6 may not precede Sub-Area 4 but approvals for both Sub-Areas may be considered concurrently and approval for Sub-Areas 3 and 4 may be considered concurrently; e) no municipal approval for Sub-Area 5 will be given until development agreements have been entered into for Sub-Areas 2, 3 and 4 or Sub-Areas 2, 4 and 6 but nothing will preclude allowing development to commence before completion of Sub-Areas 2, 3, 4 or 6; f) no municipal approvals will be granted for Sub-Areas 7, 8 and 9 until the Highway 102/Larry Uteck Drive interchange and Kearney Lake Road connector are constructed or financing has been secured and a time frame for completion agreed upon; g) no development agreement shall be entered into for Sub-Areas 5 unless a servicing and phasing plan has been prepared and included in the agreement for the extension of municipal sewer and water services to both Sub-Areas 5 and 9. h) The requirement of clause (g) may be waived if a development agreement for Sub-Area 9 has been approved prior to an application for Sub-Area 5 and the agreement provides for the extension of municipal services to Sub-area 9 at no cost to the Municipality.	Once regional sanitary sewer system upgrades and extensions are completed, sufficient sewer capacity will be available. There are no known issues with water service. Sub Area 9 is outside the designated area. Not applicable. Not applicable. Not applicable. Clause 3.2.3 of the agreement implements this requirement. Not applicable. Not applicable
Policy BW-21: In accordance with the provisions and requirements of the Municipality's Infrastructure Charges Best Practice Guide and Part II of this Municipal Planning Strategy, an infrastructure charge area shall be established under the Subdivision By-Law over the area governed by this Secondary Planning Strategy and no subdivision approvals shall be granted until infrastructure charges are in effect.	Infrastructure charges have been established for transportation in the Regional Subdivision By-Law. Halifax Water is in the process of establishing charges in conjunction with the NS Utility and Review Board. No development is permitted until NSUARB has implemented charges and an implementation plan.
Policy BW-23: The Community Concept Plan, presented as Schedule BW-7, shall form the framework for land use allocation within the master plan area and all policies and actions taken by the Municipality shall conform with the intent	The attached development agreement conforms to Schedule BW-7 and the policies of the SPS.

of this plan. A comprehensive development district zone shall be applied to all lands within the community concept plan area and any development of the land shall be subject to approval of a development agreement. In the event that the lands allocated for the proposed Highway 113 right-of-way are not required by the Province for a highway, then the lands may be used for development permitted within the abutting land use designation.	
Policy BW-24: To facilitate a variety of housing types and achieve both the overall density and open space allocations envisioned by the Regional Plan, consideration may be given to varying development standards established under the Bedford Municipal Planning Strategy and Land Use By-Law. More specifically standards pertaining to lot area, lot frontage, lot coverage, setbacks and building height may be varied to reflect the uniqueness of each Sub-Area, the market being targeted and the theme of that Sub-Area. If required, terms may be incorporated in a development agreement to ensure functional and aesthetic objectives are achieved.	Terms to control these matters are included in the proposed development agreement through Section 3.4.
Policy BW-25: The areas designated as Open Space on Schedule BW-7 shall be reserved for recreational uses, conservation uses including stormwater management and environmental protection. Provided that the area of the designation is not materially reduced, the boundaries of the Open Space Designation may be varied where such changes provide: a) enhanced protection of environmentally sensitive site features; b) more opportunity for preservation of significant aesthetic features; c) more suitable lands for recreational uses; or d) a more functional trail system for pedestrians and cyclists. The intended purpose of all open spaces shall be identified and agreed to in a development agreement application. Lands within the Open Space Designation may be allocated to satisfy the Municipality's Subdivision By-Law requirements for parkland dedication.	The proposed development agreement complies with Schedule BW-7. Additional lands for recreational uses are provided in the form of two parkland parcels as shown on Schedule B of Attachment A. These additional lands are intended to meet the requirements for parkland dedication under the Regional Subdivision By-Law.
Policy BW-26: Street crossings of the Open Space Designation shall be minimized and any trail development within a watercourse buffer zone established under policy BW-7 shall be subject to the requirements of policy BW-9.	There are no street crossings of the open space designation. At locations where there is an existing power line corridor. There will be one trail established in the watercourse which will be developed to HRM specifications. Clause 3.7.1 and 3.7.2 detail the requirements of BW-9.
Policy BW-27: No stormwater management, sanitary sewer or water service system shall be located within the Open Space Designation which would adversely affect environmentally sensitive areas, detract from the aesthetics of the area or impair any recreational functions intended.	Not applicable.

Policy BW-28: In the event that the Municipality is unable to determine whether any undertaking will adversely affect environmentally sensitive areas, the Municipality shall require that an environmental impact analysis be undertaken at the cost of the developer by a person qualified to make such a determination and as selected or agreed upon by the Municipality.	Not applicable.
Policy BW-29: The development of all recreational facilities shall conform with the HRM Guidelines for Parkland Planning adopted by Council.	The proposed layout of Parkland and site development appears to meet these requirements.
Policy BW-30: Prior to any subdivision approval being granted, the developer shall prepare a recreation facilities plan for the development of recreational facilities for lands to be conveyed to the Municipality for parkland and open space dedication. The plan shall consider facility requirements in relation to present and future community needs, safety and convenience, environmental protection or enhancement, financial resources and phasing.	It is not typical for a developer to produce such a study. Generally the Municipality would access and identify the needs of the greater community through our Parkland Planning group. The options for parkland in Sub Area 9 are limited to two small parks, one being a trail note along the boulevard pathway contemplated by planning policy. This type of study has not been submitted in support of other phases of development within Bedford West.
Policy BW-31: Community parks are intended to be located on lands reserved for schools within the Institutional/Residential designation shown on Schedule BW-7. In the event that schools are not developed on these lands, the Municipality may require that these lands or portions thereof be reserved for community parks.	There are no lands designated for schools in this Sub Area. Policy not applicable.
Policy BW-38A: A range of general and highway commercial, medium and higher density residential, institutional, and recreational uses may be permitted within the General Commercial Centre Designation shown on Schedule BW-7 subject to consideration of the following matters: a) natural vegetation, landscaping or screening is employed around parking areas and measures are employed to provide safe and convenient pedestrian access to the buildings they are intended to serve; b) sidewalks and/or plazas are provided so as to encourage a secure and inviting walking environment throughout the commercial centre and to neighbouring residential neighbourhoods; c) provisions are made for the storage of bicycles; d) exterior materials, street furniture; trees, lighting and landscaping measures are incorporated in buildings to foster an interesting and secure environment; e) the windows, exterior features and materials and signs employed in any building create a sense of interest from public streets; f) the massing, height of buildings and architectural detail contribute to a pedestrian oriented environment; and g) the proposal conforms with all applicable provisions and requirements adopted under this Secondary Planning Strategy regarding environmental protection, the	Landscaping is required around parking areas and a pedestrian walkway and sidewalk system is required by the development agreement. A pedestrian circulation system that provides access to the street and between commercial units is required as part of the development agreement. Sidewalks and trails connect to adjacent residential neighbourhoods. Bicycle storage is required as per the Bedford Land Use By-Law. The requirements for architectural design of buildings are found under Schedule G and I of Attachment A and conform with this requirement. Lighting plans are required to enable secure environments. The requirements for architectural design of buildings are found under Schedule G and I of Attachment A and conform with this requirement. The requirements for architectural design of buildings are found under Schedule G and I of Attachment A and conform with this requirement. The proposal complies with these requirements.

community transportation system and municipal services.	
Policy BW-39: A comprehensive development district zone shall be applied to larger undeveloped parcels within Sub-Area 9. Commercial uses may be considered on lands in the vicinity of the proposed interchange with consideration given to the criteria of policy BW-38A. Residential uses may be permitted on the remaining lands with consideration given to the criteria of policy BW-32. No development agreement application shall be considered for approval unless a public participation program has been undertaken to identify development opportunities and constraints and to facilitate collaboration in preparing a conceptual community design for the Sub-Area.	The development agreement is consistent with this policy. Commercial development has been reviewed under policy 38A. Multi-unit dwellings proposed on the site have been reviewed in consideration of Policy BW-32. A public participation process was undertaken with required MPS amendments for Sub Area 9 and in conjunction with this development agreement to develop options for community design. The revised Schedule BW-7 of the Bedford West Secondary Planning Strategy reflects the discussion during the public participation process.
Policy BW-39A A public participation program was undertaken to identify development opportunities and constraints and to facilitate collaboration in preparing a conceptual community design for larger undeveloped parcels within Sub-Area 9. Schedule BW-7 shall form the framework for land use allocation within these portions of Sub-Area 9 and all policies and action taken by the Municipality shall conform to the intent of this plan.	The proposal conforms to the identified schedule and other policies for Sub Area 9.
Policy BW-39B Further to Schedule BW-7, Sub Area 9 may be comprised of medium or higher density residential land uses on the northwest side of the site, and general commercial uses south of the interchange. On the south-east portion of the Sub-Area, general commercial or higher density residential land uses may be permitted.	The development agreement reflects the distribution of land uses identified in this policy.
Policy BW-39C Within the Sub Area, population assigned under BW-16A may be redistributed throughout the Sub Area covered by development agreement provided the intent of the all policies is maintained.	The development agreement enables the redistribution of population throughout the Sub-Area.

Attachment C

Halifax MPS Policy Review

Policy BW-1: No development agreement shall be approved unless a master storm water management plan has been prepared, reviewed by the Bedford Waters Advisory Board and accepted by the Municipality. The management plan shall: (a) identify significant constraints and sensitivities with regard to flood potential, and environmental features and provide appropriate protection measures; (b) provide estimates of pre-development and post development flow rates (where post development flow rate means the expected flow rates upon full build out of an area as permitted by the development agreement) at critical locations within watercourses such as at culverts and other road crossings and at downstream developments; (c) outline the type and location of storm water management facilities and the approach to protecting receiving waters from contamination, excessive flow rates and loss of aquatic habitat and to protect the quantity and quality of groundwater flows; and (d) conform with the recommendations of the Bedford West Planning Area Subwatershed Management Plan (Jacques Whitford: May 2004) unless otherwise acceptable to the Municipality and the Province.	A master stormwater management plan has been prepared and reviewed by the Bedford Waters Advisory Board. The master stormwater plan includes all the requirements of Policy BW-1. Further the plan has been reviewed by the Municipality and the Province and has been deemed acceptable. Copies of the Master Storm Water Management Plan are available upon request.
Policy BW-2: No subdivision approvals shall be granted unless the detailed design specifications conform with the master stormwater management plan approved under policy BW-1.	The proposed development agreement requires that the detailed design of the development conform to the master stormwater management plan.
Policy BW-3: A water quality monitoring program shall be undertaken for the Paper Mill Lake watershed, illustrated on Schedule BW-2 to track the eutrophication process. The program is to be designed in accordance with national guidelines established by the Canadian Council for Ministers of the Environment (the CCME guidelines) and undertaken by a qualified persons retained by the Municipality and financed in whole or in part by developers within the watershed area. Specifics of the program are to be negotiated under the terms of a development agreement in consultation with the Bedford Watershed Advisory Board. The monitoring program shall: (e) specify the duration of monitoring for the pre-construction, construction and post-construction phases of development. Pre-construction phase means a period of time before construction activity starts. Post-construction phase means a period of time that commences at full build out of the area permitted by a development agreement. Construction phase means the full time period between the pre-construction and post-construction phase); (f) specify the physical and chemical water quality indicators to be measured, the location and frequency of	A water quality monitoring program for the Papermill Lake watershed is required to be established by the proposed development agreement. The proposed monitoring program complies with the requirements of Policy BW-3.

testing and the format of submissions to the Municipality in each phase referenced under clause (a); (g) establish physical and chemical water quality indicator threshold levels for the recreational uses of the lakes which would be used as a basis for reevaluating watershed management controls and future development potential within the area. The threshold indicators are to be established prior to any development approvals being granted; (h) conform with all water quality policies, specifications, protocols and review and approval procedures approved by Regional Council.	
Policy BW-4: Where the Community Council is satisfied that a development agreement application has been made for a development proposal which could not be reasonably expected to impact the quality of water within the Paper Mill Lake watershed, the requirements of policy BW-3 may be waived. The Community Council shall seek the advice of the Bedford Watershed Advisory Board before granting any waiver.	The requirements for a water quality monitoring program have not been waived, as the proposed development could potentially affect the quality of water within Paper Mill Lake.
Policy BW-5: In the event that water quality threshold levels, as specified under clause (c) of policy BW-3, for Paper Mill Lake or Kearney Lake are reached, the Municipality shall undertake an assessment and determine an appropriate course of action respecting watershed management and future land use development in the area. An assessment shall consider the CCME guidelines. Water quality thresholds and any assessment reports shall be made available to the public.	These requirements do not need to be included in the development agreement as they are not intended to bind the developer to a specific action. The Municipality will undertake the identified assessment and should threshold indicators be exceeded seek remedies.
Policy BW-6: No stormwater shall be discharged directly into any natural watercourse without the use of mitigative measures as stipulated in under the stormwater management plan and in accordance with municipal and provincial guidelines.	The proposed development agreement requires mitigative measures prior to discharging stormwater in to a watercourse.
Policy BW-7: No development, grade alteration, excavation, fill, pavement or removal of natural vegetation shall be permitted within one hundred (100) feet of the high water mark, or within the limits of any 1 in 20 year flood plain of Kearney Lake, Kearney Lake Run or Black Duck Brook or within sixty-six (66) feet of the high water mark of any other watercourse, or within the limits of any 1 in 20 year flood plain of any watercourse, except as provided for by development agreement in accordance with an approved water management plan approved pursuant to the provisions of policy BW-9 or as provided to allow for trail systems, transportation crossings or utilities.	The proposed development agreement includes requirements to fulfill the requirements of Policy BW-7.
Policy BW-8: No development agreement shall be entered into over lands on which trees have been removed except: a) as may be required for a bonafide land survey; b) to satisfy any provincial or federal requirements; or c) where, in the opinion of Council, the extent of such cutting would not preclude achieving the three objectives stated above.	The removal of trees was authorized in specific location by the Municipality on the Sub Area 9 site to meet a provincial need to provide aggregate associated with the interchange at Larry Uteck Boulevard. Such removal was limited to areas where future disturbance was expected.

Policy BW-9: Within any watercourse protection setback established under policy BW-7, no vegetation or soil shall be removed or altered unless a management plan has been approved to provide for restoration of vegetation, shoreline access paths, habitat management, safety and welfare or shoreline recreation where such provisions may be made without adversely affecting the primary purpose of preserving water quality in the lake. Any study or management plan submitted pursuant to this clause shall be prepared by a person qualified to make the required determinations and an approval procedure shall be established under the terms of a development agreement.	A portion of the required watercourse setback lands are to be controlled by the Municipality as parkland. Within these buffers little disturbance is expected except for trail development where a secondary trail will be constructed in a sensitive manner which would minimize the removal of vegetation and the alteration of grade. Where land within the required setback is privately held, there are controls within the agreement to identify the setbacks prior to construction. Further no disturbance is permitted within the identified setbacks. Replacement of removed or damaged trees is included in the development agreement.
Policy BW-10: Wetlands, lakes, watercourses, endangered species habitat and any other features of environmental significance shall be delineated as non-disturbance areas under development agreements. Non-disturbance areas shall be located to allow for continuity of non-disturbance areas on abutting lots, municipal parkland and open space dedications, and natural areas adjacent to watercourses.	Riparian buffers have been established along all watercourses and wetlands as required by policy BW-7 and the watercourse setback requirements of the Bedford Land Use By-Law. These controls act as non-disturbance zones. Further, except for limited stormwater infrastructure, parkland development and crossings, there is no activity proposed within these areas. Further, the developer is required to delineate these areas prior to the start of construction activity.
Policy BW-11: A tree replanting program shall be incorporated into development agreements. The program shall specify the locations, number, type and diameter of trees to be planted. The type of trees shall be indigenous to Nova Scotia.	A tree replanting program which complies with Policy BW-11 has been included in the proposed development agreement. (Clause 3.11.8) Further the Municipal Service System Specifications require the planting of street trees within the public right-of-way for streets.
Policy BW-12: Development of major land areas on slopes in excess of twenty-five percent (25%) shall be prohibited under any development agreement except where it can be demonstrated that such development would not create any hazard and could better preserve open spaces or areas of environmental value.	Sub Area 9 consists of a series of rock ridges that are distributed throughout the Sub Area. Avoidance of these areas is not possible. Significant grading of the lands will take place to render these ridges developable land. Protection of ridges has been enabled within riparian buffers. Schedule F of Attachment A identifies slopes of 25 percent or greater.
Policy BW-13: The Municipality may allow for modifications to the service system specifications adopted under subdivision regulations where such modifications would enhance the ability to preserve the natural environment without compromising the intended objectives of the service systems.	The proposal does not request to modify these specifications.
Policy BW-14: The water distribution system shall conform with the recommendations of the Birch Cove North/ Bedford West Water Master Infrastructure Plan (CBCL, 1999) and with the system schematics illustrated on Schedule BW-3 unless otherwise acceptable to the Halifax Regional Water Commission and no development shall be approved by the Municipality unless notified by the Commission that the proposed distribution system conforms with all design and operating specifications established.	The proposed agreement requires compliance to the study and the requirements of Halifax Water. (Clause 4.3.1)
Policy BW-15: The sanitary sewer system shall be designed in conformity with the schematics illustrated on Schedule BW-4 and in accordance with the Municipality's Service Systems Specifications, as amended from time to time. Sewage flow calculations, shall be based on an assumed occupancy of 3.35	The sanitary sewer is required to be designed to the Halifax Water Design and Construction Specifications which supersedes the Municipality's MSS Specifications (Clause 4.4.1). The proposal conforms with Schedule BW-4. The requirements of the proposed agreement comply to the identified sewer calculations. (Clause

persons per single unit, two-unit or townhouse dwelling and 2.25 persons per unit in each multiple unit dwelling; 50 persons per acre for general commercial uses within the Community Commercial Centre shown on Schedule BW-7 or proposed within Sub-Area 9; and 40 persons per acre for mixed use business campus uses; and 30 persons per acre for local commercial, community facility and institutional uses ² .	4.4.7) The proposal includes a general commercial uses at 50 persons per acre. (Clause 4.4.7)
Policy BW-16: Based on the assumed occupancies under policy BW-15 and the phasing plan illustrated on schedule BW-6, the sanitary sewer system shall be designed for a maximum density of 50 persons per acre for general commercial uses and a maximum density of 20 person per acre shall be permitted for all residential uses.	The proposed development agreement enables development of a maximum of 1476 persons. This population complies with the required densities.
Policy BW-16A: The temporary pumping station and forcemain, illustrated as “PS (TEMP)” and “FORCEMAIN (TEMP)” on schedule BW-4, shall be permitted to service a maximum of 6,100 persons where upon the permanent pumping station and forcemain along the Kearney Lake Road must be designed and constructed to service all lands intended to flow to the Halifax Sewage Treatment Plant (as illustrated on schedule BW-4). This requirement may be waived if: a) the financing for the construction for the permanent pumping station and forcemain has been secured by the Municipality and a time frame for construction agreed upon; and b) there is sufficient capacity remaining in the temporary pumping station and forcemain to allow for additional sewage discharge to the Mill Cove Sewage Treatment Plant.	The option for a temporary forcemain and pumping station is not being used. The proposal will use a permanent pumping station and force main which will be part of trunk sewer upgrades financed through Halifax Water and the CCC charges, as to be considered by the NSUARB. No development is permitted until the NSUARB approves the CCC and upgrade program. The development agreement complies with this policy.
Policy BW-16B The maximum permitted population for Sub-Area 9 (including portions within the Bedford Municipal Planning Strategy) shall not exceed 1476 persons.	The proposed development agreement enables development of a maximum of 1476 persons. This population complies with the required densities.
Policy BW-17: Phasing of transportation system upgrades shall be undertaken in accordance with the recommendations of the Transportation Plan (MRC Delphi, February 2004) unless otherwise agreed to by the Municipality and the Province.	The proposed development does not include any anticipated future upgrades except the Kearney Lake Connector (as they are located in other areas). The Collector is being built within anticipated timelines.
Policy BW-18: The Municipality shall prohibit motorized conveyances on all trails, except maintenance, emergency or patrol vehicles, and except electric wheelchairs or similar devices required for mobility by persons with disabilities.	This item is a matter for the Municipality to enforce once trails are constructed; this is not a matter for the development agreement.
Policy BW-19: Variations to municipal service system standards may be considered where such variations conform with the principles set forth in the Transportation Association of Canada’s “A New Vision for Urban Transportation” or any other guidelines or policies acceptable to the Municipality. Consideration shall be given to the objectives and policies	Variations to municipal service system standards have not been proposed.

² For the purposes of this Secondary Planning Strategy, all density calculations are based on gross area.

established under this Municipal Planning Strategy, public safety, environmental and lifestyle factors, and capital and operating costs as well as other benefits to the Municipality, such as construction of trail systems on public lands.	
Policy BW-20: A development Sub-Area plan is established for this secondary plan area as illustrated on Schedule BW-6 in which the following conditions shall apply: i) Any approvals within Sub-Areas 1 to 12 will also be contingent upon availability of capacity within municipal service systems; j) any development agreement entered into within Sub-Areas 2 to 8 and 12 shall include provisions for all new development intended within the Sub-Area; No development agreement shall be entered into for Sub-Areas 5 unless a servicing and phasing plan has been prepared and included in the agreement for the extension of municipal sewer and water services to both Sub-Areas 5 and 9.	Once regional sanitary sewer system upgrades and extensions are completed, sufficient sewer capacity will be available. There are no known issues with water service. Not applicable. Not applicable.
Policy BW-20A: The requirement for a servicing and phasing plan for Sub area 5 may be waived if a development agreement for Sub-Area 9 has been approved prior to an application for Sub-Area 5 and the agreement provides for the extension of municipal services to Sub-area 9 at no cost to the Municipality	Not applicable
Policy BW-21: In accordance with the provisions and requirements of the Municipality's Infrastructure Charges Best Practice Guide and Part II of this Municipal Planning Strategy, an infrastructure charge area shall be established under the Subdivision By-law over the area governed by this Secondary Planning Strategy and no subdivision approvals shall be granted until infrastructure charges are in effect.	Infrastructure charges have been established for transportation in the Regional Subdivision By-Law. Halifax Water is in the process of establishing charges in conjunction with the NS Utility and Review Board. No development is permitted until NSUARB has implemented charges and an implementation plan.
Policy BW-21A: A public participation program was undertaken to identify development opportunities and constraints and to facilitate collaboration in preparing a conceptual community design for larger undeveloped parcels within Sub-Area 9. Schedule BW-7 shall form the framework for land use allocation within these portions of Sub-Area 9 and all policies and action taken by the Municipality shall conform to the intent of this plan.	The proposal conforms to the identified schedule and other policies for Sub Area 9.
Policy BW-21B: A comprehensive development district zone shall be applied to larger undeveloped parcels within Sub-Area 9. Commercial uses may be considered on lands in the vicinity of the proposed interchange with consideration given to the criteria of policy BW-21E, except that clause 1 shall not apply. Residential uses may be permitted on the remaining lands with consideration given to the criteria of policy BW-28, except that clause (a) shall not apply.	The development agreement is consistent with this policy. Commercial development has been reviewed under policy 38A. Multi-unit dwellings proposed on the site have been reviewed in consideration of Policy BW-32. A public participation process was undertaken with required MPS amendments for Sub Area 9 and in conjunction with this development agreement to develop options for community design. The revised Schedule BW-7 of the Bedford West Secondary Planning Strategy reflects the discussion during the public participation process.
Policy BW-21C: Further to Schedule BW-7, Sub-Area 9 may be comprised of medium or higher density residential land uses	The development agreement reflects the distribution of land uses identified in this policy.

on the northwest side of the site, and general commercial uses in the center portion of the Sub-Area, south of the interchange. On the south-east portion of the Sub-Area, general commercial or higher density residential land uses may be permitted.	
Policy BW-21D: Within the Sub Area, population assigned under BW-16B may be redistributed throughout the Sub Area covered by development agreement provided the intent of the all policies is maintained	The development agreement enables the redistribution of population throughout the Sub-Area.
Policy BW-21E: A range of general and highway commercial, medium and higher density residential, institutional, and recreational uses may be permitted within the General Commercial Centre Designation shown on Schedule BW-7 subject to consideration of the following matters: a) natural vegetation, landscaping or screening is employed around parking areas and measures are employed to provide safe and convenient pedestrian access to the buildings they are intended to serve; b) sidewalks and/or plazas are provided so as to encourage a secure and inviting walking environment throughout the commercial centre and to neighbouring residential neighbourhoods; c) provisions are made for the storage of bicycles; d) exterior materials, street furniture; trees, lighting and landscaping measures are incorporated in buildings to foster an interesting and secure environment; e) the windows, exterior features and materials and signs employed in any building create a sense of interest from public streets; f) the massing, height of buildings and architectural detail contribute to a pedestrian oriented environment; and g) the proposal conforms with all applicable provisions and requirements adopted under this Secondary Planning Strategy regarding environmental protection, the community transportation system and municipal services.	Landscaping is required around parking areas and a pedestrian walkway and sidewalk system is required by the development agreement. A pedestrian circulation system that provides access to the street and between commercial units is required as part of the development agreement .Sidewalks and trails connect to adjacent residential neighbourhoods. Bicycle storage is required as per the Bedford Land Use By-Law. The requirements for architectural design of buildings are found under Schedule G and I of Attachment A and conform with this requirement. Lighting plans are required to enable secure environments. The requirements for architectural design of buildings are found under Schedule G and I of Attachment A and conform with this requirement. The requirements for architectural design of buildings are found under Schedule G and I of Attachment A and conform with this requirement. The proposal complies with these requirements.
Policy BW-22: To facilitate a variety of housing types and achieve both the overall density and open space allocations envisioned by the Regional Plan, consideration may be given to varying development standards established under the Bedford Municipal Planning Strategy and Land Use By-Law. More specifically standards pertaining to lot area, lot frontage, lot coverage, setbacks and building height may be varied to reflect the uniqueness of each Sub-Area, the market being targeted and the theme of that Sub-Area.	Terms to control these matters are included in the proposed development agreement through Section 3.4.
Policy BW-23: No stormwater management, sanitary sewer or water service system shall be located within the Open Space	Not applicable.

Designation which would adversely affect environmentally sensitive areas, detract from the aesthetics of the area or impair any recreational functions intended. The intended purpose of all open spaces shall be identified and agreed to in a development agreement application. Lands within the Open Space Designation may be allocated to satisfy the Municipality's Subdivision By-Law requirements for parkland dedication.	
Policy BW-24: In the event that the Municipality is unable to determine whether any undertaking will adversely affect environmentally sensitive areas, the Municipality shall require that an environmental impact analysis be undertaken at the cost of the developer by a person qualified to make such a determination and as selected or agreed upon by the Municipality.	Not applicable.
Policy BW-25: The development of all recreational facilities shall conform with the HRM Guidelines for Parkland Planning adopted by Council.	The proposed layout of Parkland and site development appears to meet these requirements.
Policy BW-26: Prior to any subdivision approval being granted, the developer shall prepare a recreation facilities plan for the development of recreational facilities for lands to be conveyed to the Municipality for parkland and open space dedication. The plan shall consider facility requirements in relation to present and future community needs, safety and convenience, environmental protection or enhancement, financial resources and phasing.	This is not the type of work that is typical for a developer to produce. What is contemplated is work typically the responsibility of the Municipality. This type of study has not been submitted in support of other phases of development within Bedford West.

Attachment D
January 13, 2011 – Public Information Meeting Minutes

Public Information Meeting
Case No. 16666 - January 13, 2011

In attendance:

Councillor Hum
Councillor Outhit
Andrew Bone, Senior Planner, Planning Applications
Holly Kent, Planning Technician
Cara McFarlane, Planning Services
Roger Burns, Cresco Holdings Limited

Call to order, purpose of meeting

Mr. Andrew Bone called the public information meeting (PIM) to order at approximately 7:00 p.m. at Basinview Drive Community School. He introduced Councillor Debbie Hum, District 16; and Councillor Tim Outhit, District 21. Tonight's PIM pertains to a development agreement for the proposed Sub-Area 9 of Bedford West.

The purpose of the meeting is to identify that HRM has received an application for a development agreement for this site, give some information and background on the proposal, and receive feedback, comments and questions from members of the public.

No decisions will be made at tonight's meeting. Any decisions would be jointly made at a later date by North West and Chebucto Community Councils.

Overview of planning process

Mr. Bone explained that this application is related to two other planning applications. Meetings were held for this area of Bedford West in July and September of 2010. The July meeting was for Municipal Planning Strategy (MPS) amendments that were requested for Sub-Area 5, 9 and 10 of Bedford West. The main intent of that application was to change the boundaries so that Sub-Area 5 is in the ownership of West Bedford Holdings, Sub-Area 9 in the ownership of Cresco Holdings and to lay out the general permitted land uses for the area. This process has not been completed and all decisions for development agreements coming forward to council have to wait until the plan amendment process is complete because they rely on the draft policies for the area in the original planning cases (Case Nos. 16104 and 16106). Currently the staff reports for the plan amendment are complete and available on the website and at the planning office. The applications will be in front of North West Planning Advisory Committee (NWPAC) for review and a recommendation made to Regional Council (RC). It has already been to Chebucto Community Council (CCC) and they have made a recommendation to RC. Once NWPAC makes their recommendation, it will go to North West Community Council (NWCC) who will then make an additional recommendation to RC. Then the proposal will be given first reading at RC where a public hearing date will be scheduled.

The process being dealt with tonight is the development agreement for the proposed Sub-Area 9, this meeting being the first stage. This case again relies on the other planning cases, mentioned earlier, to be complete before council can make their recommendation.

The subject properties affected by the MPS amendments are Sub-Areas 5, 9 and 10, of Bedford West (larger portion of the lands between Kearney Lake and Highway 102; from Kearney Run to the edge of the water line). The new interchange at Larry Uteck Boulevard and the road extension connecting Larry Uteck Boulevard and the Kearney Lake (eventually connecting down to Kearney Lake Road) was shown. The MPS amendments affect the Bedford, Halifax, and Beaver Bank/ Hammonds Plains/Upper Sackville plan areas.

A community concept plan was drafted for these areas which basically outlines the land uses at a very high level residential/commercial and park. A revised policy was drafted for the Sub-Area. Some of the infrastructure costs that are charged with these subdivisions were changed. The subdivisions have regional transportation and sewer and water implications that are charged to the developers as they develop. Those charges have been reconfigured, specifically with Sub-Area 9.

The general boundaries were shown. Sub-Areas 3 and 4 have development agreements that were previously approved about three years ago. Sub-Area 2 development agreement was approved approximately two years ago and currently, a development agreement is being drafted for Sub-Area 5 which should be moving forward to council shortly. Tonight's process is to draft the development agreement for Sub-Area 9.

Originally, the policy referred to commercial uses adjacent to the interchange. Mr. Bone showed the areas for the proposed commercial and residential uses. The residential uses near the highway would be multi-unit buildings between four and twelve storeys high.

Presentation of Proposal

Mr. Roger Burns, Development Manager for Cresco Holdings Limited, introduced Joseph Daniel and Hussein Moussavi from Cresco.

The plan shown was basically the result of the implementation of the West Bedford Master Plan that happened in 2006. The land that Cresco owns next to the new interchange portion of the Bi-Hi was shown. Across the street there are a number of commercial developments.

The next plan was a result of the Municipal Plan process. It indicates that some of the land to left is residential, commercial, and highway commercial surrounding the interchange. This "flex area" will be a mix of commercial and residential. The permitted density in this area is 1476 persons. The desired uses, and a good fit, in this area would be highway commercial, residential and mixed commercial/residential.

Mr. Burns showed a plan that gives a bit more detail. A few areas were pointed out:

- Mill Cove
- Hammonds Plains Road

- Parks of West Bedford
- BMO Centre
- RIM
- Proposed high school

The road (pointed out) has been mostly designed now by HRM and the implementation time on it is between two and five years.

Shown on the plan for the proposed development agreement was parkland or recreation area bordering both sides (approximately 25% of the site). There will be park benches (picnic areas) for the residents and people that work in the area. Because of the grade differential, there will be a view of the lake. An integrated walking trail will lead to the Kearney Lake Road as well as a multi-use trail that will go over the highway to the Ravines and Larry Uteck Boulevard. A retention pond will be on site to collect the water runoff. When the interchange was built, there was a fair amount of material taken from this site to build the ramps and slopes.

The stormwater management plan has been approved by the Bedford Waters Advisory Board (BWAB). HRM monitors and tests the quality and quantity of the water.

Proposed, is a six storey as well as two twelve storey buildings (locations shown). These buildings will be tucked in close to the highway. There is quite a grade differential which will work well for viewplanes, engineering and architecture.

When it comes to retail, there are some proposals but nothing confirmed as water and sewer services won't be available in the area for two to five years, including the infrastructure which is the road and connection.

There is a watermain that runs through the site (where the gravel road is located). When the site was designed, buffers with surrounding lands were created. A landscape architect will be looking at the parks and layout in relation to the neighbouring properties in order to make it a site that everyone will be proud of.

Mr. Bone mentioned that there are a number of wetlands and water courses in the area. Much of the area (pointed out location on map) is protected as a non-disturbance area and will be protected in the development agreement. The location was shown where there is a small pocket of opportunity to do a multi-unit building. Most of the area identified as parkland is in a non-disturbance zone and will be protected. A small area was shown where it is not really developable because of its narrowness and proximity to the ramps. There is potential for a stormwater retention pond that will be combined with the park area.

The municipal plan leaves these properties as a residential zone. In order for development to happen, services have to come into the area (somewhere between two and five years). In order for services to come in the area, they have to be brought from the Kearney Lake Road overpass and down. This process, not completed yet, is the responsibility of Halifax Regional Water Commission (HRWC) and must be approved by the Nova Scotia Utility and Review Board (NSURB). The process of bringing the water lines out has to meet the financial criteria to get approval.

The two twelve storey buildings are a result of the difficulty to place the density on the site because of the size of the interchange.

The Province feels the roundabout design is very efficient to get people through intersections quickly, effective, safely and is cheaper than installing traffic signals.

Questions and Comments

Amir Arab owns properties on Kearney Lake Road. He is concerned with proper screening for the property line along the trail. Is there a chance that the water services would come to the properties along Kearney Lake Road? Mr. Bone explained that according to the municipal plan, the surrounding development has to accommodate future servicing and there has to be a way of getting services from either end to this area. The grades are a challenge in this area and one of the policies speaks to the design having services come in. In the end, installing services would probably be through a local improvement charge (HRM and HRWC would put forward a proposal and charge it back to the residents) which is usually what happens in an existing community. Bringing services into this area is going to be costly. The cost may influence whether or not the community wants it.

Doug MacCallum is not against the proposal but would like to see a buffer zone along the property lines. He said there are two waterlines, one on the Kearney Lake Road and one above. The residents have never been told they can get water. Why? He would like to see that done. He feels the residents are being overlooked all the time because they are not paying as much property taxes. Mr. Bone said at this point, HRWC is trying to figure out how to bring the services into the area. Mr. Bone said the policy doesn't overlook the residents, it does talk about them. Mr. MacCallum never hears about it but Mr. Bone said it is because the services aren't anywhere close yet. Mr. MacCallum said the lines have gone by their properties twice, we've asked for this in the past, but feels they were ignored. He understands that a feeder line can be put in along the side but nobody has ever approached the residents about it. Mr. Bone said those services are the trunk line services. There will be some discussion in the staff report about the issue and how it can happen in the future. As planning staff, we generally leave that to HRWC because they put together the local improvement charges and bring water to your door. Planning would enable whether or not an area can get services. Mr. MacCallum asked if this could be taken from tonight's meeting and have someone look into it for the residents. Mr. Bone will talk to HRWC about how the process will happen.

Chester Robinson agrees with Mr. MacCallum. He wondered if the Councillor could do something for the residents because the developers are looking out for themselves. Maybe the developers should get together with the Councillor. Mr. Bone said he would pass it along to the Councillor and at least start an investigation into how and when it will happen. It has been made clear that it is a high priority issue for the community.

Councillor Debbie Hum, District 16, said that the residents of Kearney Lake, Hamshaw and Saskatoon area and the area right around that intersection had a meeting with HRWC a few months ago. They were looking at getting an extension from the 102 trunk coming up to Kearney

Lake Road. That whole neighbourhood has also been the master planning area of Bedford West and they were interested in the sewer and water services. HRWC met with the residents and proposed some ideas and thoughts about the extension. As Andrew said the cost would be totally on the residents. They were looking at the potential for the lands in behind Saskatoon and what would happen if there were service extension up through there. If the lateral went along Kearney Lake Road, it wouldn't necessarily come into Kearney Lake neighbourhood itself to Hamshaw and Saskatoon and again it depends on the route for Birchdale development in behind Saskatoon. There are also a couple of cost contributions regarding Bedford West. Even if servicing went along the Kearney Lake Road from the 102 trunk, they would have to bare a portion of the cost through capital cost contribution. They were very interested in extending it into that neighbourhood but again HRWC indicated it would be very expensive. Any laterals brought into that neighbourhood and to their homes would have to be paid for by the residents. Perhaps another meeting with HRWC would be beneficial. This development does open up some opportunities. She will follow up with HRWC and get back to Mr. Bone.

David Jackson asked if there would be any connections by path or bike lanes along Kearney Lake Road. Mr. Bone said that throughout a good portion of the Bedford West development there is a boulevard pathway which is basically a fairly wide, paved multi use trail. The multi-use trail will be part of this connector, come up to the interchange where there is already path and trails across the interchange to accommodate that. The boulevard pathway is proposed throughout Bedford West along the major collector roads. HRM is partnered with the developer to see that it happens. The trail system is key. The intent of the whole Bedford West area is that it be transit friendly. Also, there is a series of walking trails and connections through the community to facilitate self-power movement.

Councillor Hum said there is a lot of concern about making sure Kearney Lake remains clean and is not impacted by either future development or some of the activities going along Kearney Lake Road now. She wondered if Department of Environment (DOE) would be involved with any of the lands. What would the environmental impact of two potential twelve storey buildings and what would be DOE's role? Mr. Bone mentioned that the stormwater plan and policies that are with the Bedford West area are some of the strongest policies in all of HRM. They require use of innovative stormwater retention ponds, features, use of rain gardens, etc., to take commercial storm drainage and feed it back to the ground, cleanse it and scrub it. Part of the master stormwater management plan, which has already been designed for Sub-Area 5 and 9, is to use these innovative techniques other than standard techniques. The stormwater retention ponds and the combination of these other uses are intended to create a cleaner product in the end and as part of all of the development agreements in Bedford West where any of them have an impact on Kearney Lake. There is a water quality monitoring program, paid for by the developers, that has to take place. The lakes are monitored over time, not only Kearney Lake but Kearney Run, Paper Mill Lake and the whole chain. As development happens around Kearney Lake, the program is expanded because it may affect areas further upstream. The DOE is not really involved unless there is an actual discharge or problem. The intent of the stormwater management plan is to get ahead of the game as much as possible and to use techniques that are more beneficial to the water coming off of the site.

Councillor Hum is concerned about the development itself. Anytime there is density development in close proximity, even in the lower parts, there are concerns about the future of

Kearney Lake. The residents would like it to remain one of the top lakes around. Even the best measures can sometimes impact on the stormwater and lakes. Mr. Bone said one of the other things the agreement does require is an erosion and sedimentation control plan which means that they have to put barriers in place during development to ensure that water, especially sediment, doesn't run off the site and into the surrounding water bodies. Great care has to be taken in this area when developing.

Councillor Hum has received comments that the trail behind one of the Kearney Lake Road ramps (the waterline easement trail that goes behind the Holiday Inn connecting to Royale Hemlocks) should officially open up and developed as a multi-use trail. Is there any opportunity for connectivity from both ends of the interchange? Mr. Bone said the interchange is the connection (at the roundabouts). Right now the interchange was designed for a trail on one side only. There is a single pathway along one side of the interchange which was done for safety reasons. The water line trail, as well as the power line and easement trails, is used by a lot of people.

Mr. MacCallum asked about the status of Highway 113. Mr. Bone said that road is a Provincial project. It will connect Highway 102, past RIM, in and behind Kingswood, through the Bedford West lands and over to the Hubley exit (Exit 4). The Province has acquired some of the land for the road. No known timeframe. Mr. MacCallum was under the impression there wouldn't be ramps onto Kearney Lake Road because the residents were concerned about increase in traffic. Mr. Bone understands that the transportation system for the area was designed on the assumption of ramps there. The area will be a major commercial area that would serve the greater area. All of the transportation infrastructure and capital cost charges being collected are to expand or upgrade Kearney Lake Road where needed in the future. The intent is that Highway 113 will be the main link and Kearney Lake Road will "t" in. It is intended to get people off of the section.

Colleen Studley asked the residents of the City of Halifax that don't have water and sewer are taxed less? Mr. Bone said they wouldn't be paying the sewer and water fees. For developed areas, the developers are paying to send the services out. Municipalities traditional don't pay for the extension of services. The cost is paid by the residents through a local improvement charge to do that.

Ms. Studley said a fence would be required at the back of the residential homes. Mr. Bone agrees and doesn't believe that landscaping alone is enough.

Mike Hanuisak, Project Manager of West Bedford Holdings Limited and Senior Vice-President of Clayton Developments Limited, explained that last summer a meeting was held with HRWC to talk about water and sewer services. The line that was talked about earlier that follows along the Kearney Lake Road used to be the principle feed to the entire City of Halifax from Pockwock. Over the years, that pipe has fallen apart. A number of years ago, HRWC chose to build a new high pressure water line to feed the City (shown on the map). Over the summer, they started replacing portions of the water line with a sleeve that was placed inside the old pipe. This line was no longer being used and HRWC was debating whether or not to reline or reactivate it. This development is not serviced off this high pressured waterline. The water for this area is coming from the Bedford South side.

When the interchange was built, the waterline was installed under the highway. It will continue on all the way through the Bedford West development (shown) and eventually all the way over to the Hammonds Plains Road. Also in time, to service the land along the Kearney Lake Road, there has to be a second waterline (shown). Eventually there will be two sources of water (locations shown on map). This is at a domestic pressure that is able to serve the small isolated areas. That's when the opportunity will come (probably in the very near future) to speak about the local improvement opportunity to connect the water into this system. The issue of sanitary is a different matter.

Typically, HRM talks about municipal water and sewer at the same time. This was the dilemma HRWC pointed out. If the sewer line was to travel along the Kearney Lake Road, it wouldn't be gravity fed. This would require every property to have its own pumping station which would be tremendously expensive with no funding opportunity. The proposed gravity sewer gives residents the opportunity to have that discussion. He thinks it will be here in two years along with the earlier mentioned road. When the stormwater management plan for Sub-Area 5 was prepared, we were compelled to bring this section of the property (shown) in as well. As it stands now, a portion of this site will drain under the roundabout and in the current direction so it feeds through a system down into the little pond (shown). The stormwater management plan for this area is part of the public record now and should be available.

Currently, HRM is being paid, by the developer, to test Kearney Lake. There are a number of test sites on Kearney Lake and the idea was to gather data of water quality before the monitoring took place. He suspects that when development starts council will probably pick a few additional sites to test. The lake is tested four times a year. That data is available from HRM. Mr. Bone said the goal is to be able to maintain the place for recreation purposes.

Ms. Studley asked if the runoff could affect the wells. Mr. Bone said it would be directed to that pond. Mr. MacCallum is worried about runoff. Mr. Hanusiak said that in the post development state the water is collected at the back and drains into a catch basin (shown). When the land is graded it will run the proper way.

Mr. Bone said staff is aware of all the watercourses on the site. There are very strict rules with HRM for the protection of watercourses and maintaining an undisturbed setback on both sides of the watercourse. That will be demonstrated in the development agreements and it has been accommodated in the stormwater management plans that have gone forward to BWAB.

Mr. Hanusiak said to take a look at the stormwater management plan when it is done as it deals with the worst case scenario. The systems that are designed in the post development are for the 1 in 100 year flood condition. All the plans have to be stamped and approved by an engineer.

Mr. Bone went through the next steps of the process:

- MPS amendment package (Case Nos. 16104 and 16106) is moving forward
- this development agreement package (Case No. 16666) will be circulated to internal staff for comment
- draft a development agreement and staff report
- recommendation to NWPAC

- recommendation to NWCC
- recommendation to CCC
- first reading and schedule a joint public hearing date

Adjournment

The meeting adjourned at approximately 8:25 p.m.

MOTION PUT AND PASSED.

Attachment E
Bedford Waters Advisory Board Minutes – September 8, 2010

**5.1 West Bedford Holdings Limited Master
Stormwater Management Plan**

Mr. Andrew Bone, Senior Planner, presented a presentation of the Master Stormwater Plan to the Committee. It was noted that staff of West Bedford Holding Ltd. were in attendance.

After the presentation the points of clarification were provided to the Committee Members

- the stormwater plan is similar to previous stormwater management plans presented for other developments in Bedford
- a 30 metre buffer will run along Kearney Lake Run
- an infiltration basin will be utilized
- retention ponds will be used
- control areas may be overcompensated in the retention pond
- post development flows will keep area hydrated.
- a culvert is installed
- lawn care management practices will be put in place
- buffer zones will be place
- wetlands have been determined and work continues with the Department of the Environment

Mr. Hattin requested data on the phosphorous model to run the numbers and work with the Developer on the numbers. It was noted that the Dr. Watt model is being used for Papermill Lake.

MOVED by Mr. Murphy, seconded by Ms Hadden, that the Bedford Watershed Advisory Board accept the presentation provided on September 8, 2010¹ and forward the proposal to North West Community Council.

MOTION PUT AND PASSED.

Attachment F
Bedford Waters Advisory Board Minutes – February 9, 2011

6.1 Case 16666: Development Agreement for Bedford West - Sub Area 9, Bedford

- a) A memorandum dated February 2, 2011, Case 16666: Development Agreement for Bedford West, Sub Area 9 was before the Committee.

Mr. Andrew Bone, Senior Planner, presented Case 16666: Development Agreement for Bedford West - Sub Area 9, Bedford to the Committee.

Following the presentation, the one issue of concern among the Committee members was the issue of Water Quality Monitoring Stations. At this point, discussion ensued among Committee members regarding the number of Water Quality Monitoring Stations that should be in place and where the monitoring stations should be located. Upon Bedford Watershed Advisory Board 4 Minutes February 9, 2011 further discussion on the issue, the following motion was put.

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MOVED by Ms. Hadden, seconded by Mr. Hattin that the Bedford Watershed Advisory Board recommends that North West Community Council approve Case 16666: Development Agreement for Bedford West - Sub Area 9, Bedford with the addition of two Water Quality Monitoring Sites as noted:

- a) **outfall at Kearney Lake from the storm water management pond**
- b) **at the proposed bio retention facility at the south eastern end of the culvert for the commercial property, however, if right of way is not accessible, that the sample be taken from the other side of the culvert.**

MOTION PUT AND PASSED.

**Attachment G:
Comments from Halifax Regional School Board**



Operations Services
90 Alderney Drive
Dartmouth, Nova Scotia
B2Y 4S8
Tel: (902) 464-2000 Ext. 2277
Fax: (902) 464-2336

August 23, 2010

Mr. Andrew Bone
Planner – Community
Development Halifax Regional
Municipality P.O. Box 1749
Halifax NS B3J 3A5

Dear Mr. Bone:

Case 16106 – Application by West Bedford Holdings, on behalf of Cresco Holdings Limited, to amend the Bedford West MPS to alter the Boundary line between Sub Area 9 and 10, and create a community concept plan

The Halifax Regional School Board (HRSB) recognizes this proposal is being considered by way of a Plan amendment and development agreement. Further, MPS policy requires that staff and Council consider the potential impact of the development as it pertains to the existing school system.

This review is for an amendment to the development boundary line to incorporate all lands within the sub area. A concept plan or land use plan has not been submitted and as such the number of residential units has not been considered.

Capacity of Schools Surrounding the Development

Students from this development would be assigned to **Kingswood Elementary, Bedford South, Madeline Symonds Middle School, and Charles P. Allen High School**. Bedford South is over capacity and Charles P. Allen High is nearing capacity. As a result of the continued development in this area, there is enrolment pressure on Grosvenor Wentworth Elementary and Bedford South School resulting in the Elected Board capping student enrolment. As of the end of September 2010 and subject to enrolment pressures new students will be directed to neighbouring schools subject to their available capacity.

Additionally, the Board forwarded an urgent request for an additional elementary school to the Department of Education to serve the area. On April 28, 2010 the Elected Board made the following recommendation regarding the enrolment pressure in Bedford South/West/Ravines: On April 28, 2010 the Elected Board made the following recommendation regarding the enrolment pressure in Bedford South/West/Ravines:

Whereas the very significant increase in the enrolment of Bedford South School is a matter of considerable urgency, it was moved and seconded (Finlayson/Blumenthal/Harrison) that construction of a new elementary school to

ease the overcrowding be given top priority and, furthermore, that this request be submitted to the Department of Education for immediate attention (Carried)

As outlined, these schools were reviewed by the consultants as part of their process. The consultants have presented their final recommendations to the Board and may be reviewed at <http://www.hrsb.ns.ca/files/Downloads/pdf/Imagine/phase2/central-and-eastern-final.pdf>. Senior staff prepared a response to the consultant's report and recommendations which may be reviewed at <http://www.hrsb.ns.ca/files/Downloads/pdf/reports/2009-2010/April/10-03-1250.pdf>.

On April 28, 2010 the Elected Board made the following recommendation regarding the master planning process:

It was moved and seconded (Conrod/Finlayson) that the Board request staff to develop an approach or process that would divide the capital construction master plan into more manageable components---for example, area-by-area or family-by-family, and that staff review this approach or process, including a timeline, with the Board before it begins (Carried)

Currently, staff is reviewing and preparing an information report regarding the future approach to divide the master plan into manageable components. It is anticipated this report will be presented to the Board in fall 2010.

Additionally, HRSB acknowledges the efforts by HRM of including policy provisions within the Municipal Planning Strategy (MPS) and Development Agreement which require the developer to reserve a parcel of land for school purposes. However, capital funding for school construction is approved by the Province of Nova Scotia and should school construction be approved, a site selection process is initiated. Therefore, HRSB respectfully suggests the Municipality may consider altering the policy to require the developer to reserve a parcel of land for a community use such as schools, fire stations, or recreation centres and that the time frame is extended from the traditional five year period to ten years.

It should be noted these findings are based on current data as well as information provided by HRM Planning and Development Services. As these findings are based on projections, there is no guarantee that development will proceed in this form. Should any of these schools not be able to accommodate increased enrolments, the Halifax Regional School Board reserves the right to place the students in another school within the Board.

Should Council approve the development and the situation arises that the schools do not have adequate capacity when the final approval is given by HRM, the students of this subdivision will be assigned to another school within the Board. When the School Board is notified by HRM of the final decision regarding the planning application, the School Board will notify HRM of the assigned schools for this subdivision. Transportation of students will be provided as defined in the Board's transportation policy.

Should you require any additional information or if you would like to further discuss this situation, please do not hesitate to contact me directly at 464-2000 ext 2277 or by way of e-mail.

Respectfully yours,

Jill McGillicuddy
Planner, Operations Services