

MOTION CARRIED

DA-FEN-05-93-15 - APPLICATION BY LANE MACDONALD TO ENTER INTO A DEVELOPMENT AGREEMENT IN ORDER TO PERMIT A COMMERCIAL SPORTS FISHING FACILITY ON HIS PROPERTY AT THE END OF TUCKER LAKE ROAD IN BEAVER BANK

Mr. Tony O'Carroll made the staff presentation. He said an application had been received to enter into a development agreement to permit commercial recreation fishing facility on his property at 324 Tucker Lake Road. He said the property is situated right at the end of Tucker Lake Road with frontage on the Beaver Bank River. The property already has established two ponds which have been given necessary approvals by the Nova Scotia Department of Environment as well as the Department of Fisheries to permit the stocking and catching of trout. Mr. MacDonald intends to operate a U-Fish facility. He said also it will be accessible to the handicapped. The use is very small scale and the property is a couple of acres. It is well forested. It abuts property, which at the moment, is vacant and which is zoned mixed use allowing for a variety of resource uses.

The main problem addressed in dealing with this agreement was the impact on what is a local road from a commercial recreation use. This type of use is very equivalent to a agricultural use which would be permitted by right on this property. Because it involves people paying to catch the fish it is considered a commercial recreation use in which case a development agreement was required. He said this is the same agreement which would be required for a major disney land type of operation if it were to go out there. The purpose of the agreement is to address the concerns people would have with the impacts on their living environments and on the natural environment. Staff feels that this type of fishing operation is going to have no negative impacts on the natural environment and very minimal impact upon the residential environment of that area. He said this is partly because the location of this is at the very end of the road. It is not densely housed. The lot itself has plenty of room for parking.

He said that the parking areas and the fishing platform areas are really going to be the only changes that are going to be made. He said there will be a sign at the entrance to the property. He said one problem faced was the possibility that staff could not estimate what level of parking might be required for this use. He said staff came to the conclusion that room for twenty parking spots was sufficient at this stage and the agreement has provisions whereby council can require additional parking spots on the lot. He said there is plenty of room on the lot for additional parking spaces if the volume of the business would require these extra parking spots. He said there is no problem relative to the access and it is planned to use one of Mr.

MacDonald's access that is in existence in order to access the parking spot.

He said in addition to permitting this commercial recreation use there is provision for Mr. MacDonald to have an incidental aquacultural use. He said this is not specifically permitted under the land use by-law although agricultural uses are. He said if Mr. MacDonald wants to eventually deal with fish other than people catching them, he would have the ability to do this. He said this would require a minor amendment to the agreement and would require a resolution of council at the time he decided to get into these additional operations. He said Mr. MacDonald has the right to develop his own residential uses. He said this may be done by a minor resolution before council so that it would not impede Mr. MacDonalds ability to go about his own life in his own residents.

He said staff feels this is an appropriate use for this area and an appropriate site. He said it has benefits to the larger community and staff recommends that this be approved.

QUESTIONS FROM COUNCIL

Councillor Giffin said this was referred to as an agricultural use.

Mr. O'Carroll said this is an aquaculture use although aquacultural uses are not referred to specifically in this plan.

Councillor Cooper asked if Mr. MacDonald will be permitted the use for retail of raised fish.

Mr. O'Carroll said yes it would be incidental it would not be the major use. It would be only to the extent that he stock trout which were not caught. He said it anticipates that he would stock his ponds and at three months they would be ready to catch and they have a certain life in that limited area and then he might have to or want to clear the ponds out. He said he would not be a retail use in the sense that he would bring in fish to sell on the property. It would only be selling what he was producing in his ponds or that was surplus to his U-Fish operation. He said it would require coming to council as a resolution rather than a public hearing.

Councillor Cooper said he does not see that defined as not being substantial and requiring a resolution of council.

Mr. O'Carroll under the definition of facility it defines commercial sport fishing facility as the use of ponds, buildings and other facilities located on the property for the purpose of operating the business of a recreational sport fishing facility and the raising, handling and processing of fish incidental to

the operation of a recreational sport fishing facility. He said staff is saying as an incidental thing he may deal with his surplus fish in some way which could include the construction of any new accessory building structure that he might need.

Councillor Cooper said Mr. O'Carroll had indicated that it would have to come to council to have a resolution done.

Mr. O'Carroll said he would have to get the approval of council to establish that type of incidental business.

Councillor Cooper asked if that was there under 7.2 or whether he could do it by right.

Mr. Crooks said he would have to look into this before giving an opinion to council.

Councillor Cooper asked if there was a conflict in that under section 4.4 there is the right to rebuild, enlarge, relocate buildings yet under 7.2 that would now become a resolution of council.

Mayor Lichter said he believes this refers only to the residential building and not the commercial operation.

Mr. O'Carroll said what this is saying is that as long as he complies with the by-law he may do this to his dwelling and accessory buildings. He said the other things are related to the facility that are proposed or that he might propose at some subsequent date.

Councillor Cooper asked if he had the ability to put any new buildings or structures as long as they are accessory in any amount and any size.

Mr. O'Carroll said as long as they are approved or in conformance with the land use by-law for a residential use for an accessory building in that zone. He said he would come in and get a development or building permit in the normal course as he would now and that he would be able to build that assuming he could meet the standards of the by-law.

Councillor Boutilier asked if this development agreement is approved tonight and it goes with all the rights and privileges, is that property is subsequently sold does the development agreement go with the property or go with the current owner.

Mr. O'Carroll said all development agreements go with the property. He said this is a property right.

SPEAKERS IN FAVOUR

Mr. Bernard Driscoll spoke in favour of the application. He said he has known Mr. MacDonald for over twenty five years. He said Mr. MacDonald is very conservation minded.

SPEAKERS IN OPPOSITION

Mr. George Ward spoke in opposition. He said he owns the property across the river. He said some years ago Mr. MacDonald changed the watercourse. He said as a result he has less land.

Councillor Cooper asked if the land was flooded.

Mr. Ward said yes and as a result he has less land.

Councillor Cooper asked how much land had been lost.

Mr. Ward said approximately an acre.

DECISION OF COUNCIL

It was moved by Councillor Merrigan, seconded by Councillor Mitchell:

"THAT THE DEVELOPMENT AGREEMENT AS PER THE STAFF RECOMMENDATION BE APPROVED"

MOTION CARRIED

ADJOURNMENT

It was moved by Councillor Fralick:

"THAT THE MEETING BE ADJOURNED"

MOTION CARRIED

PUBLIC HEARING

FEBRUARY 14, 1994

THOSE PRESENT: Deputy Mayor Bates
Councillor Fralick
Councillor Mitchell
Councillor Deveaux
Councillor Randall
Councillor Peters
Councillor Merrigan
Councillor Brill
Councillor Giffin
Councillor Boutilier
Councillor Harvey
Councillor Sutherland
Councillor Cooper
Councillor Turner

ALSO PRESENT: Fred Crooks, Municipal Solicitor
Bill Butler, A/Director of Planning and
Development
Susan Corser, Planner
Dale Reinhardt, A/Municipal Clerk

=====

CALL TO ORDER

The meeting was called to order at 7:00 with the Lord's Prayer.
Mr. Reinhardt called the roll.

APPOINTMENT OF RECORDING SECRETARY

It was moved by Councillor Cooper, seconded by Councillor Brill:

"THAT SANDRA SHUTE BE APPOINTED AS RECORDING SECRETARY".

MOTION CARRIED.

**ADOPTION OF THE REVISED MUNICIPAL PLANNING STRATEGY AND LAND USE
BY-LAW FOR SACKVILLE**

Deputy Mayor Bates advised that the presentation by staff with regard to the revised Municipal Planning Strategy and Land Use By-law for Sackville had been completed at the Committee of the Whole session and tonight's meeting was to deal with the Public Hearing portion.

SPEAKER IN FAVOUR

Mr. David Barrett stated he was Woodland Manager and Secretary of Barrett Lumber.

Mr. Barrett provided a picture of the mill site located on the upper end of the Little Sackville River and noted the holding pond. He stated that his company had been in business for 65 years and had put most of the income back into the business.

Mr. Barrett stated that during the recession it had been quite a struggle and his company was competing against multi-nationals with deep pockets but he was proud that they had managed to increase the market share even competing against them.

Mr. Barrett said that he understood that the floodplain designation was out of the draft Municipal Planning Strategy. He said that his company was basically a Beaverbank industry but was also part of the greater Sackville community. His business was zoned Forestry but part of the new Plan was to have commercial so that if he wanted to go to a retail store, the potential would be there. He said Barrett Lumber was the largest industry in Beaverbank and would like to see the mill site, 22 acres, be put back into the Beaverbank Plan. He said they were in the Beaverbank voting area but, because of the railway track, they somehow ended up in the Sackville Plan. He asked if it would be possible to have the same zoning, R-6, in the Beaverbank Plan which might save a lot of problems.

Mr. Barrett said that the fact that Barrett Lumber was on the Little Sackville River holding pond, and there had been a mill site there for 150 years, it had been found that with changing rules for development criteria that there had to be some kind of commitment from government whether or not to be able to continue on. He said his company had 45 employees and tried as best they could to buy locally. He said they were spending lots of energy and capital to improve all the time. He noted that they had planted trees and put in wood chips for erosion control and were continually upgrading and were conscious of the environment.

Mr. Barrett asked that serious consideration be given to Barrett Lumber being included in the Beaverbank Plan but, if not, Council would make a decision that would enable them to plan on putting back their capital. He said if they could not plan on that, they would have to plan on phasing out.

QUESTIONS FROM COUNCIL

Councillor Giffin asked why Mr. Barrett would have to phase out or change.

Mr. Barrett said Barrett Lumber was a small business and was on the Little Sackville River. He said he understood from a lawyer that according to the new Environment Act, if an area was zoned floodplain, then it was the same as the law passed in 1919 where all the waters in the lakes to the high water mark belonged to the Crown.

Mr. Barrett stated that by using the holding pond it meant that it was not necessary to have an extra big heavy machine and, as well, they could use lower skilled people. Once a log was cut, it was still good quality if it was kept in fresh water. He said if this was taken away, it would take away the backbone of the business.

Councillor Sutherland asked if Mr. Barrett had asked staff if he could rebuild the mill in case of fire or whatever the case might be.

Mr. Barrett replied that he had gotten a political answer. If he met all the criteria, it would be permissible but the trouble was that the criteria was changing from one day to the next. He said before they invested any more, they would have to find out whether or not they would be allowed to exist as they would have to upgrade their systems.

Deputy Mayor Bates said, as he understood it, the request Mr. Barrett made to change from one Plan area to another Plan area could not be approved at this Public Hearing. As he understood it from the municipal solicitor, it would require more advertising and another Public Hearing. Council could not make any changes other than minor to the Plan that has been advertised. Mr. Barrett's request would be of a major nature.

Mr. Barrett asked how he would go about it.

Deputy Mayor Bates stated he could make application through the Planning Department.

Councillor Merrigan stated that the people of Beaverbank associated the Barrett mill with Beaverbank and he would appreciate Council requesting staff to undertake what is necessary to get the property back into Beaverbank. He requested Council's support.

Councillor Peters asked what would happen if one of Mr. Barrett's buildings burnt to the ground tonight - would he be able to rebuild what he had.

Ms. Corser stated that Mr. Barrett's property was zoned R-6 Rural Residential at this time which would permit forestry uses. In the event the building burnt to the ground, it was her understanding that Mr. Barrett could rebuild but in accordance with the standards identified in the R-6 zone. If he had a building that existed now that did not conform to these standards and it was totally destroyed, it was her understanding that he would still have to meet these standards. If it was destroyed less than 50%, he would be able to rebuild in the location he has at present. She said she was not sure how his buildings related to setbacks and that sort of thing. She referred to page 46 of the Draft Land Use By-law for standards for the R-6 zone.

Councillor Brill asked if the kiln, located in the present floodplain zone, burnt down and was totally destroyed, could it be rebuilt today.

Ms. Corser advised the Regulations right now and what was proposed would require any development within 100' of the Little Sackville River to proceed by Development Agreement based on the fact that there was no zone at this time. If there was a zone, the zone would probably have some strict requirements in the zone which would no doubt have certain restrictions. She said, for example, on the Sackville River floodplain zone, habitable structures were not permitted in the 1:20 year floodplain. Structures beyond the 1:20 and within the 1:100 over the 100' were by Development Agreement.

Councillor Peters referred to page 47, Article 12.5 - Agricultural uses and asked if Mr. Barrett's building was destroyed in some way, and the existing building was closer than 300' to a watercourse, could he rebuild.

Ms. Corser replied that this section referred to Agricultural uses. Mr. Barrett had a forestry use.

Mr. Barrett said that his first understanding was that if a building burnt down, they could build again but he was having problems since with conflicting answers.

Deputy Mayor Bates stated that if Mr. Barrett was going to make application to have his property redesignated to Beaverbank, then he should take care of this matter at the same time.

SPEAKER IN FAVOUR

Mr. Paul Hyland stated he was a resident and homeowner in Sackville for 24 years and, furthermore, operated a business since 1974 and also owned the property from which the business operated.

Mr. Hyland stated that from 1979 to 1981 he had the honour of being the Chairman of the Public Participation Committee which assisted the Planning Advisory Committee for Halifax County in bringing forth the first Sackville Development Plan. Following the adoption of the Plan in May, 1981, he said he was appointed by Halifax County to be the citizen member of Planning Advisory Committee in January, 1982 and remained on the Committee for 11 1/2 years until there were adjustments to appointments in 1993.

Mr. Hyland stated that the planning process which ended in the Public Hearing tonight had been a long one and had been caused in whole or in part by major changes in community growth, both residential and commercial. He said the completed document before Council was well presented.

Mr. Hyland reviewed certain points of the Plan - Section I - Regional Context and Community Profile; Section II - Environmental Health Services, Transportation, Natural Features and Heritage Resources, Recreation, Education, Protection and Emergency Services and Social Housing - Section III - Land Use Intent - Urban and Rural Residential, Comprehensive Development Districts, Community Facility, the expansion of the commercial corridor, Community Commercial, Sackville Business Park. He said that the Land Use By-law reflected all that it should in administering the Plan.

Mr. Hyland urged Council to adopt the Plan as presented as it reflected 161 meetings by various committees during the process since 1988. He said Sackville Community Council was to be commended for holding special public meetings before they made a decision on important matters. He said he trusted Council would also recognize the work of Planning staff in preparing the documents for approval.

QUESTIONS FROM COUNCIL

None

Councillor Harvey stated, on behalf of Community Council, that he wanted to acknowledge Paul Hyland's efforts over the years. He said Community Council appreciated his leadership.

SPEAKER IN FAVOUR

Mr. Paul Miller stated he was a lawyer practicing in Sackville and was representing two clients, Mr. Ron Cox and Mr. Dave Major who owned property in Sackville which was presently in the mapping for the floodplain designation prepared by Environment Canada in 1977. He said the floodplain issue has come up numerous times before Community Council and had been debated fully.

Mr. Miller stated his clients were not opposed to the floodplain per se but took the position that if there was going to be a floodplain zoning, the zone should be accurate to reflect what really was floodplain and what was not. He said several months ago he had written to Mayor Lichter and provided ground surveys that Mr. Cox and Mr. Major had done showing the elevation of their two properties which were much higher than surrounding areas that were not designated as floodplain on the mapping. He said when he first got involved about a year ago, several inquiries were made. The County provided information, provincial Department of Environment who provided the Hydrotechnical Study of the Little Sackville River Floodplain and the Executive Summary thereto. He said he was also provided with a map which he understood was done in 1977 on the basis of an aerial survey and aerial photographs. He said when he talked to people in the federal and provincial Departments of Environment, it was his understanding that this was the first step in the designation process and was not meant to be the be all and

end all. It was meant to be followed up with ground survey work to get a more precise definition of what should be included in the floodplain and what should not. He said to his knowledge, the follow up work has never been done.

Mr. Miller stated there have been significant changes in this area since 1977 which have affected the Little Sackville River and its inflows. He said his clients took the position that if the zoning was to be based on a map, then the map should be accurate and reflect the current situation and not what was 15 years ago and, even then, only the first step of the designation 15 years ago. He said his understanding from talking to numerous County staff was that along the Little Sackville River there has been development over the years by Development Agreement and that development has worked quite well because controls have been put in place by staff to protect the Little Sackville River. He said he had not been told of one incident where a Development Agreement had failed to give the protection it should.

Mr. Miller stated that ramifications of floodplain zoning was that property could be devalued for resale, property insurance - some carriers would not ensure property on a floodplain or would limit the level of insurance, availability of mortgage funding, renewal of mortgages on existing properties and the ability of a building to be rebuilt if there was damage or destruction. He said this was of particular concern to his clients. He repeated that his clients' concern was not with floodplain zoning per se as his clients did not want to endanger the Little Sackville River, but were saying that if it was going to be done, then it should be done right. He said unfortunately, when he talked to the provincial and federal Environment Departments about funding to remap, he had received a nebulous answer - the fact that they were not sure where the money would come from. He asked if Council was going to undertake doing floodplain zoning, who would do the mapping and groundwork and who would pay for it. He said there had to be proper funding to do that kind of work and the work should be done right.

QUESTIONS FROM COUNCIL

Councillor Harvey asked if the lands in question were above the floodplain level and subjected to infilling since 1977.

Mr. Miller stated he could not but his client was in attendance.

Mr. David Major stated that one property had been. The other had not been infilled since the initial survey was done.

Councillor Harvey stated he agreed with Mr. Miller that accurate mapping was essential. He read into the record a letter dated December 20, 1993 received by Sackville Community Council from the Minister of Environment, Robert Harrison. The letter stated in

part that "the Canada/Nova Scotia Flood Damage Program offered to review and, if necessary, revise the floodplain mapping if the Municipality zoned the floodplain first".

Councillor Harvey stated that the Municipality would have to make a decision before they would provide funding and talent to do this.

Mr. Miller asked if this should be done at the expense of people who should not be in the zone. He suggested that the money should be found some way first.

SPEAKER IN FAVOUR

Mr. Joe Syms stated he lived at 58 Sunnyvale Crescent and his back yard was 20' from the Little Sackville River. He said he was surprised to see that his property was in a floodplain area. His property was built in 1985 and there was quite a bit of alteration done to the property - backfilling - and it was quite high compared to what it was. He said mapping would not do justice to his property. If there was a remapping done, he said he would feel quite safe. He said he was glad that Council did not designate the area as floodplain.

QUESTIONS FROM COUNCIL

Councillor Sutherland stated that the flood line was somewhere in the slope of the back yard on Mr. Syms' property. There were a number of lots in Sunnyvale Subdivision that were in the floodplain originally but, when they were backfilled, the line had changed on the properties.

SPEAKER IN FAVOUR

Mr. David Grace stated he was a lifelong resident of Lower Sackville and paid taxes on a property on the Little Sackville River. He said that a lot of older citizens had felt they were being taken advantage of and exploited when the provincial government expropriated the land.

Mr. Grace stated that the mapping being used was in 1977 and, since that time, the Little Sackville River has become a drainage system for the community. Central water and sewage were installed which has changed the configuration of the floodplain. People who lived in Sackville prior to the time of the Housing Commission would remember that most of the land was flooded in the spring and he said he had not seen a flood to a degree that existed on a yearly basis in the last 20 years.

Mr. Grace stated that people like the Barretts and Majors were long-time residents of this community and had spent a great deal of money on lawyers to present their case. He said there had been a

number of public meetings on the issue of the floodplain and it was voted down every time but always came back.

Mr. Grace asked if there was going to be a written guarantee of responsibility for the property owners on the Little Sackville River if there was a flood and the property was designated floodplain. He stated that there were probably 150 homes that already existed in the floodplain.

Mr. Grace stated that the Plan was very good but it would be necessary to look long and hard and do some research because there had been many changes in the Little Sackville River since 1977. He pointed out that most of the obstacles that had held up the floodplain over the last number of years were owned by Department of Transportation. The bridges could be raised.

Mr. Grace stated he was in favour of the Plan.

QUESTIONS FROM COUNCIL

None

SPEAKER IN FAVOUR

Mrs. Maureen Bartlett, Cartier Crescent stated she did not know if her comments were for or against the Plan. She stated her interest was sidewalks for Sackville and she was pleased to see that sidewalk construction was mentioned and that there were still several dangerous streets in Sackville requiring sidewalks.

Mrs. Bartlett stated she did not think there was enough emphasis put on infrastructures in the Plan and there needed to be progressive ideas as to how to get some money for schools and sidewalks. She said she would like to see something done like charging \$5,000 to the consumer to build a house or split the cost between the developer and the consumer.

QUESTIONS FROM COUNCIL

None

SPEAKER IN OPPOSITION

Mr. Walter Regan, Sackville Rivers Association stated he wished to reaffirm the wish of Sackville Rivers Association to designate a floodplain zone in the MPS for the Little Sackville River. He said this had been stated many times before and was a matter of record. The floodplain zone would afford greater protection for humans as well as lessening damage and harm to buildings, properties and the river and its ecosystem.

Mr. Regan stated that both the federal and provincial governments recognized the floodplain zone as an important safety item. The zone was the same as seat belts, hard hats and carseats for infants - all for the safety of the public. He said by not recognizing the floodplain zone, Council was ignoring its duty toward public safety.

Mr. Regan stated that the provincial government, in the Millwood Subdivision, had by and large left large areas of the floodplain intact and this should be followed by Halifax County along the Little Sackville River and elsewhere in the County. He said by designating the floodplain zone, this would afford public protection and could be done by means of land swaps, buyouts, tax reductions over the next few years which would restabilize the floodplain lost due to poor construction techniques and infilling.

Mr. Regan stated that the County's own Engineering Department recommended that for flood control and proper stormwater drainage, a floodplain zone be designated. The floodplain zone would also act for and as a buffer zone along the river, allowing the public both a park area and free access to the river and natural areas. He said the Little Sackville River now has many types of fish still in its waters as well as other wildlife and birdlife alongside its banks.

Mr. Regan stated that the protection of the Little Sackville River by designating a floodplain zone would be a first step in overcoming the lack of community spirit in Sackville. By treating the Little Sackville River as "just a drainage ditch", he asked what was being said about Sackville in general. He said the Little Sackville River ran right through the heart of Sackville.

Mr. Regan stated that by designating a floodplain zone, walkways and greenbelts would enable most people to walk from one end of Sackville to the other by supplying another safe avenue in a natural setting which would increase the respect for the river and for Sackville as a whole. He said the river was the most important natural feature of Sackville and it required respect and this was one way to show it.

Mr. Regan went on to say that Council should consider putting all the lands around Second Lake into Park Reserve or zone the land P-1 Park Zone. He said there was now only one park in Sackville when there should be many. 8000 school children could play in natural surroundings instead of hanging out in malls.

Mr. Regan said that the land surrounding Second Lake was almost untouched and the water was pristine. If this were to continue, then it would be up to Council to lead the way by zoning all the Nova Scotia Housing land P-1 for the people of Sackville to enjoy now and for generations to come.

Mr. Regan stated that thanks to the efforts of Sackville Community Council and individual citizens, the parkland went from 50 acres to 360 acres. He said the fight must not and will not be allowed to stop; all 900 acres of Second Lake must be acquired and preserved to keep the water quality high and to maintain the natural ecosystems.

Mr. Regan stated that Sackville was known for its Correctional Centre and dump and it was about time it was known as the City of Parks. There were approximately 40,000 people in Sackville and 20,000 within a few minutes of it and many more on the outskirts. They would come to Sackville and bring their tourist and eco dollars.

Mr. Regan stated that if the water quality was maintained and if, in the future, the waters were needed, they could again be used for drinking water purposes. He stated that already there was encroachment and some silt problems being encountered. He asked that Council include a P-1 zone for all Second Lake lands in the new MPS.

QUESTIONS FROM COUNCIL

Councillor Fralick asked for clarification regarding the number of acres.

Mr. Regan said that altogether Nova Scotia Housing Commission lands were 900 acres.

SPEAKER IN OPPOSITION

Ms. Liz Langley stated she was with Environment Canada.

Ms. Langley stated that a flood was a terrifying experience and cost Canadians many millions of dollars a year in property damage, loss of production, loss of wages and loss of businesses. She quoted damage costs for various floods which occurred in other parts of Canada. She stated that dollars could not measure the stress and strain and heartbreak that flood victims suffered. She said there then was the cost of rebuilding dykes, dams but there was still no guarantee of protection. She stated that people were to blame for this type of disaster by building homes and industries in the very places most likely to flood.

Ms. Langley stated that a floodplain was flatland next to a river, lake or ocean and was part of the living space - and every once in a while would claim this space. She said most floods occurred in the spring but flash floods occurred in other seasons from heavy rains. She asked if it made sense to build houses in those places. She stated that floodplains were attractive building sites and memories were short so people went on building. She said the

continuing encroachment on floodplains was a serious problem but floods could not be eliminated.

Ms. Langley stated that the only sure way to avoid flood damage disasters would be to not build on them. She said the federal and provincial governments had worked together to provide information for this community and would implement the policies in place. She said they could not force a zoning but would encourage it. She said it was realized that the mapping was not perfect but there could not be an accurate study until there was a moratorium on building for a period of time to allow for that accuracy.

Ms. Langley stated there were other advantages to zoning such as the creation of green areas and buffer strips which would help with the quality of water. She said, by not zoning, the community could be open to a legal suit should flooding occur. By making wise floodplain management policies, the damage by flooding could be reduced.

Ms. Langley referred to insurance values and advised that the mapping was sent to insurance companies now, whether or not there was rezoning. She stated that the aerial photography was taken in 1979 and survey crews were in the area to do a cross section around 1985 or 1986. She stated that the federal government has carried out a study regarding housing values which was inconclusive.

QUESTIONS FROM COUNCIL

Councillor Giffin asked Ms. Langley if she was speaking for Environment Canada or herself.

Ms. Langley advised she was speaking for Environment Canada.

Councillor Brill noted that Ms. Langley had made observations about flooding of other rivers in Canada. He said surely she was not going to compare the Little Sackville River with the Assiniboine and Red Rivers, the Mississippi or Saint John River. The Little Sackville River, for the most part, was 10-20' wide and it was shallow, at best - 6-8'. He said the majority of the people in Sackville did not want the floodplain zone unless there was proper mapping. He asked if Ms. Langley would agree.

Ms. Langley responded that rivers like the Assiniboine were larger but the small rivers had to be considered as well.

SPEAKER IN OPPOSITION

Ms. Theresa Scratch said there were many aspects of the MPS that she agreed with; however, she had some concerns because she wanted it to reflect exactly what the community's wishes were.

Ms. Scratch referred to the Transportation Section. She stated that on page 21, the second paragraph stated "the extension to Highway 107 would improve overall access to and from Sackville". She said the five phases of the approved Highway 107 from Burnside to Sackville may be addressing some transportation needs while creating other problems. Access from the Sackville Business Park to the Sackville Expressway would require travelling down Cobeguid Road to the area of First Lake Drive or crossing Highway 102 to Bedford Industrial Park and taking two 90 degree ramps. She said present plans direct traffic wanting to access Highway 101 travelling from the 107 from Burnside or 102 from the airport to cross merge with exit 1 Sackville bound traffic from Bedford or Halifax on the 102.

Ms. Scratch referred to page 22 with regard to Department of Transportation proposing to begin construction of the Second Lake Collector. She asked if this should state "proposing to register for environmental assessment".

Ms. Corser responded that there would be no problem with adding in a part about environmental assessment as clarification. It would be part of any proposal for construction to carry out an environmental assessment.

Ms. Scratch referred to the connection of Cobeguid and Beaverbank Roads by a divided highway with six intersections proposed. She said that between Cobeguid Road and Beaverbank Road there were only five intersections and was there an error or were there now six intersections.

Ms. Corser stated she had just recently discussed this matter with Department of Transportation and they have corrected the statement. She said it should read that there are five intersections along the Second Lake Collector - one at Cobeguid, one at Beaverbank and three in between. The next section beyond Beaverbank Road connecting Highway 101 is proposed as a Highway 101 Collector.

Ms. Scratch referred to the section referring to the fact that other options to new highway construction such as improving and upgrading existing infrastructure were being carefully assessed. She asked who was doing the assessment, what access did the public have to the studies and plans and what opportunity would be available for public input.

Ms. Corser advised that Department of Transportation has been looking at things such as upgrading Beaverbank Road and widening Glendale Drive and have been monitoring traffic counts. She said she was not aware of the current status of improvements to existing infrastructure and suggested that Ms. Scratch contact Department of Transportation.

Ms. Scratch referred to page 24, TR-9 to provide an interchange where the Sackville Expressway 107 intersects Highway 102. She asked if this was referring to the planned interchange or to a request for direct access for the Business Park to the Expressway.

Ms. Corser advised this was the interchange.

Ms. Scratch then referred to Second Lake Park. She stated that the community should feel quite proud of the Community Council's actions with regard to Second Lake. She referred to Page 91, para 2 with regard to local resident requests for a provincial park around Second Lake. Several well attended meetings and 5,000 signatures on a petition were requesting Provincial Park Reserve designation for the purpose of environmental protection. She said the MPS should not lose sight of the actual goal to protect Second Lake water quality by identifying that request as Provincial Park Reserve.

Ms. Scratch stated that with regard to Page 91, para 3, the last two sentences do not refer to parkland and, in her opinion, did not have a place under Community Facility designation.

Ms. Scratch referred to the Second Lake lands Concept Plan. She said that a 5 1/2 acre parcel of land on the north shore and a larger - possibly 40 acres - parcel at the northwest corner of Second Lake were identified, with Land Registration, as Nova Scotia Housing Commission lands. She said this was not reflected in the Concept Plan and these parcels were presently zoned as R-6 in the MPS. She said these lands were important to the water quality preservation as one involved a stream to Second Lake and the other involved a shoreline wetland. She said, based on the understanding that all Nova Scotia Housing Commission lands north of the proposed collector be committed to parkland, these parcels should be zoned P-4.

Ms. Scratch said she was pleased that there was park reserve zone. She said a statement regarding present needs and goals was not only being made but there was acknowledgment that the plan was not just for us but decisions today would provide for future families in Sackville.

Ms. Scratch stated that she was concerned that the reference made to the Second Lake Land Use Committee and subsequent report did not identify the fact that the report was generated by provincial government departments and that the five Sackville Councillors were not authors to that report. She said, after a brief review of the Second Lake Land Use Report, several discrepancies were identified and it was hoped that the Councillors and community would have an opportunity to review in depth and comment on that report. She said the MPS could refer to the report as it is a provincial plan for provincially owned lands, stating their intention for

development but it should be noted that Sackville Community Council had no authorship.

Ms. Scratch stated that the MPS recognized that there was still concern in the community for Second Lake water quality because of environmental sensitivities. She said it was important not to lose sight of the goal which was not to acquire parkland but the environmental preservation of Second Lake water quality and the surrounding natural habitat.

QUESTIONS FROM COUNCIL

Councillor Harvey stated that with regard to the authorship of the Second Lake Land Use Report, if Council were to review the Minutes of the January 17, 1994 Committee of the Whole session, Sackville Community Council made it clear at that time that the report, as such, was the work of bureaucrats and Community Council did not regard themselves as authors of the report or necessarily responsible for anything in it. He said he hoped it would be possible to add what was said at Committee of the Whole in some language to indicate this. He pointed out that Community Council was moving in the direction of creating a Citizens Committee to review the Second Lake Land Use Report.

Ms. Scratch asked, with regard to the lands that LRIS has identified as being Nova Scotia Housing Commission lands, if they could be rezoned to reflect P-4. She went on to explain her question in more detail.

Mr. Crooks responded that, if he was understanding Ms. Scratch's question correctly - whether or not proposed zoning boundaries being proposed by the current draft Municipal Planning Strategy and Land Use By-law could be altered on the basis of the Hearing tonight, he stated this could not be done without further advertisement and opportunity for public representation. Council was confined to making minor clerical clarifying changes. If there was to be a change in zoning, either in terms of area or type, it would require further public notice.

Ms. Scratch stated it appeared there had been a clerical error which did not identify the parcels of land.

Mr. Crooks stated he would be prepared to discuss Ms. Scratch's question with Planning staff.

SPEAKER IN OPPOSITION

Mr. Bob Bancroft from the Department of Fisheries stated he had been asked to attend by Sackville Rivers Association.

Mr. Bancroft showed a slide presentation on the function of a floodplain and the pattern that developed with rivers over the last 200 years.

QUESTIONS FROM COUNCIL

Councillor Sutherland asked what rights or protection could be provided to people who were already there.

Mr. Bancroft said that a lot of people were concerned with the floodplain. In his opinion, there needed to be some kind of grandfathering. It would be necessary to accommodate the people who are already there but it needed to be stopped from getting any further along. He stated that times have changed and what made sense even 30 years ago might not make sense now.

SPEAKER IN OPPOSITION

Mr. Shane O'Neil stated he was a resident of Lower Sackville and wanted to address the floodplain issue. He said it might be a little late to make any changes at this time given the current state of the MPS. He said, however, there might be an out in that Planning staff might be capable of finding out, given the fact that there was unlikely to be any funding for floodplain mapping in the immediate future considering the status of government funding and that mapping would take a considerable amount of time. He suggested that Planning staff consider the possibility of finding a temporary designation which would not be a floodplain designation at all but would require a mandatory Development Agreement for any development in the designated area. The existing landowners would not see their land jeopardized but would require a mandatory Development Agreement for any change in the designated area but it would not be floodplain per se and thereby jeopardize the individual land values.

QUESTIONS FROM COUNCIL

Councillor Sutherland asked staff to respond.

Mr. Bill Butler stated that this was similar in some measure to what was already in the Plan. There was a requirement that if you are within 100', you must enter into a Development Agreement. He said, as he understood it, that 100' could become the 1:100 year floodplain. He said it would be a significant change from what was before Council this evening.

Deputy Mayor Bates stated this would again require notification. He said that note would be taken of all comments made this evening.

SPEAKER IN OPPOSITION

Mr. Dennis Bicknell, 162 Hallmark Avenue stated his property was within 100' of the Little Sackville River. He said he had been asked by Aileen McCormick, President of Sackville Rivers Association to represent the Sackville Rivers Association view on the floodplain of the Little Sackville River.

Mr. Bicknell stated that Sackville Rivers Association was a strong advocate of the designated floodplain. One of the features of the Municipal Planning Strategy should be to make the best use of the lands in Sackville. By designating the floodplain, the County would recognize that the risk of flooding to property owners along the river would be increased by infilling and removal of natural vegetation that was permitted anywhere in the floodplain. Allowing infilling in the floodplain would result in accelerated erosion to the riverbanks and to downstream properties. If any structures were built in the floodplain, in 20 years they likely would be flooded and cause damage which would be the direct responsibility of the County to resolve because they allowed development to take place.

Mr. Bicknell stated that Sackville Rivers Association has always advocated that good planning would help the environment and allow controlled sustainable development; therefore, it was strongly advocated that those property owners who had undeveloped land in the 20 year floodplain be given the opportunity to swap their land for Crown land which was not so environmentally sensitive. Also, if the County accepted the principle of the floodplain as shown on the Flood Risk Map of May 29, 1987, the Minister of Environment of Nova Scotia and Canada be asked to produce an updated map to account for any uncontrolled development that occurred in the floodplain since 1987. He said he understood that Environment Canada would do this but he had not asked about the funding. The Councillors had also been told that they would do the mapping once the designation was made by the County.

Mr. Bicknell stated that he was told that if the new map included lands not previously in the floodplain, any new structure would be able to gain flood protection but that structures built on the floodplain after the updated floodplain was proclaimed would not be protected.

Mr. Bicknell stated that Sackville Rivers Association saw great advantage in designating the floodplain in that Environment Canada would update the floodplain map so that the flood risk area would be known absolutely. The County would be able to avoid any liability due to flooding because their Plan was based on the best scientific data available from Environment Canada.

Mr. Bicknell stated that if the County ignored the floodplain, Environment Canada would not update it and those people who were permitted by the County to build on the floodplain as defined by the outdated 1987 map, would not receive flood protection. He said

if development was allowed then Councillors, as decision makers for the County, would be liable for the flood protection and restoration costs if a flood occurred. He said the only logical conclusion, in his opinion, was for the County to include the floodplain in its Municipal Planning Strategy - if not now then as an early amendment.

QUESTIONS FROM COUNCIL

None

SPEAKER IN OPPOSITION

Mr. Tony Rogers stated he was with the Nova Scotia Wildlife Federation and had also been invited by Sackville Rivers Association to speak on the floodplain.

Mr. Rogers stated that numerous lakes and streams throughout the province formed a complex watershed. A few sections of the rivers and streams overflow their banks during spring breakup and during heavy rains. Nature provided for this increased high water by providing for a floodplain on either side of the river and was, in fact, part of the river itself.

Mr. Rogers said that a floodplain was described in the Oxford Dictionary as an overflowing of a great body of water over land not usually submerged.

Mr. Rogers asked, having all this knowledge based on years of research and experience, why did we insist of placing buildings and other development on floodplains and who should be responsible for such decisions to build and who should be liable when the inevitable flooding happened.

Mr. Rogers stated that the area in question on the Little Sackville River has been accepted as a floodplain by both the federal and provincial governments and designated so. He said he believed the Municipality was opening itself up to future lawsuits in permitting more development in the floodplain. He said that Canada Mortgage and Housing Corporation, who manage mortgage loan insurance, protected itself and the federal Cabinet approved the National Floodplain Damage Reduction Program in 1975. He said part of the program was the mapping of the flood prone area including the Sackville River and adopting policies and programs to discourage flood inevitability investment in this floodplain. All federal departments and agencies were committed not to construct or support construction. CMHC said specifically it would not extend financial assistance, whether by loan contribution guarantee insurance or otherwise, under the National Housing Act with respect to any further undertakings in the designated areas that were vulnerable to flood damage. Federal disaster systems for flood damage would be denied to all new developments following designation of an area

and, in his opinion, they should be. He asked how anybody should expect taxpayers to pay for the shortsightedness of others.

Mr. Rogers stated that consideration had to be given to the worse case scenario known as the 1:20 year flood or the 1:100 year flood. He said that no insurance policy had flood insurance automatically built into it. The only water homeowners were protected from was domestic water which was supposed to go out. He said the Insurance Bureau of Canada supported the opinion and, furthermore, once a home is built on a floodplain and is destroyed by fire, the house must be rebuilt in the exact same location. Therefore, a person locked into a floodplain is stuck with selling the property to some unsuspecting purchaser as the only way out. Selling such a home without full disclosure was very unethical.

Mr. Rogers said that there were suggestions of control dams and the like to be considered. He said the problem was that such dams were a problem to migrating fish and wildlife and were not good for nature and did not belong on any river.

Mr. Rogers said he wanted to call on the persons wishing to develop this land to be good corporate citizens and go and build on higher ground. He said all levels of government should cooperate with these developers and through land swaps, tax breaks or whatever help provide a solution to the problem. He suggested that perhaps something could be done for the people already living on the floodplain to help them relocate. He said, more importantly, real estate agents should be forced to make full disclosure on matters of flooding. He said the floodplain was the river and during low water it was a wildlife corridor, a buffer zone but, more importantly, it was a wetland.

QUESTIONS FROM COUNCIL

None

SPEAKER IN OPPOSITION

Mr. Robert Grant stated he was a lawyer with the firm of Stewart, McKelvey Stirling Scales and was representing Annapolis Basin Pulp and Power Company and the concerns he wished to address pertained to his client's lands.

He said his client owned 140 acres of land located adjacent to the Sackville Business Park bounded on the south by the Business Park, on the east by Highway 102, on the west by Cobequid Road and on the north by Sucker Brook. He said that in February, 1992 his client made an application for subdivision approval with respect to those lands to develop for 55 single family dwellings. The lots were to be serviced using municipal water. He said after the application was received, County Planning indicated that Department of Transportation had designs over a portion of that land for the

Sackville Bypass and also indicated that the County was interested in acquiring a portion of that land to facilitate an expansion of the Sackville Business Park. In light of that advice, he said his client relented in their proposal to develop the lands for single family dwellings and put forward a proposal to County Planning in a way which would accommodate both the County's designs and his client's proposals.

Mr. Grant stated that what was proposed in the proposed Municipal Planning Strategy was to take a portion of his client's lands and to rezone them to allow for an expansion of the Business Park and redesignate a substantial portion of the land to BP-1. He said his client was not averse to that suggestion and indeed was prepared to agree to that suggestion if there was some sort of counter balancing arrangement with respect to the balance of the land. He said, as a private developer, you could not develop land for light industrial purposes economically in the metropolitan area; the land was heavily subsidized. Designation of his client's land in that category effectively would render it undevelopable and it would have virtually no value. He said his client was proposing that the balance of the lands, not required by the County, be allowed to be developed pursuant to a Comprehensive Development District and a proposal was put forward to County Planning staff in December, 1993 which would allow a development of mixed residential use.

Mr. Grant stated he did not think that Planning staff considered the proposal put forward to be inappropriate and he suggested that where it was adjacent to a Business Park, it would be only appropriate to have some mixture of residential development that was not simply single family. He said what staff did, after consultation with Planning Advisory Committee, was to recommend that the Business Park rezoning of his client's land continue but the balance of the land remain R-6 and that the land be located outside the serviceable boundary but that, at such time as the serviceable boundary was extended, his client's land would be appropriate to consider a CDD development.

Mr. Grant referred to a map and located where the serviceable boundary did not extend which were the lands of Annapolis Basin Pulp and Power which were designated to remain R-6. He said, with the stroke of a pen, the serviceable boundary had been extended to those lands which were being redesignated Business Park belonging to his client but it was not extended to the remaining land.

Mr. Grant stated when his client said it was prepared to accept rezoning of a portion of its lands to Business Park zone, it was recognized that those lands would not be developed in the near future. In exchange for effectively sterilizing that land and having it available for the benefit of the County in future, his client was looking for some counter value for the remaining land. He said, when his client applied to subdivide the land to allow for 55 single family lots, his client was entitled under the laws at

that time to hook into the municipal water supply and the direction given by Council last year with respect to grandfathering plans in place at that time, before municipal servicing boundaries were accepted, would have permitted his client to develop and hook into the water supply.

Mr. Grant stated that there was a great advantage to develop a Master Plan for the Sackville Business Park and his client agreed with that but he said it should not be developed at the expense of his client. The proposal, as it stood in the present form, was nothing more than a form of expropriation without compensation.

Mr. Grant stated that to give effect to a give-and-take relationship, this Plan would have to make some provision to allow his client to develop the remaining land. He said the boundary drawn was absurd - it encompassed the lands the County had designs on but did not extend to include his client's lands. He said, unlike many other developers in the County, when his client was approached by the County to discuss matters, his client cooperated. The result was a proposal which was entirely unacceptable to his client. He suggested that if the proposal stayed and was endorsed by Council, the wrong message would be sent with regard to the type of cooperation you would want to have with the business community.

Mr. Grant urged Council to change the Plan and allow the Plan to be developed as proposed by his client initially - to designate the balance of the lands as CDD and extend the serviceable boundary to include those lands. He said the extension of the serviceable boundary should not have that great an effect on the municipal services because it was recognized that the Business Park portion of his client's lands would not be developed for some time in the future. He said, as a first choice, he would urge that amendment but, as a second choice, he suggested that the Business Park be scrapped and his client be given the lands as initially zoned as R-6 and let them proceed with developing the subdivision which was proposed in February, 1992.

QUESTIONS FROM COUNCIL

Deputy Mayor Bates said it appeared that this entailed an extension to the serviceable boundary and a rezoning which was something that could not be dealt with tonight.

Ms. Corser stated there would be a requirement to readvertise as it was a change in what was proposed.

Mr. Grant suggested that if the proposal being put forward on behalf of his client was one which Council had some sympathy for, then Council could proceed but acknowledge in the motion that passes the Plan that Council would like to reconsider the application for rezoning by his client.

Mr. Crooks stated, without in any way commenting on the merits of Mr. Grant's submission, that if Council was of a mind to approve what was advertised, it should do that and the motion passing the Plan should do that and nothing more. If Council was of a mind after tonight or at some future occasion to indicate an interest in pursuing further the submission made by Mr. Grant, that could be done separately. He said his advice was not to make a conditional approval of the Plan or By-law.

Mr. Grant stated he was not suggesting conditionally. He said he was suggesting that at the time the Plan was passed, there would be an acknowledgement that the application of the designation of the zoning of Annapolis Basin Pulp and Power was something that Council wished to reconsider.

Councillor Merrigan asked if the land was all owned by one person and there was a change being considered to a portion they wanted to develop and the County wanted a portion someday, why not give them back the R-6 tonight. Then Council could deal with an amendment at a later date.

Mr. Crooks stated that normally a change in the zoning which was in the proposed document which has been advertised would normally be considered to be a substantive matter and not a matter of fine tuning or clerical matter which could be changed within the confines of the notice. Before being able to respond to that question, he said he would want to discuss the matter with Planning staff to be sure he got a full appreciation of what the planning implications might be. This would normally be considered something beyond the minor or clerical nature that Council was entitled to deal with, based on the notice published.

Councillor Merrigan stated, as the County decided to zone the property the way it wanted and it was not the County's land, he felt somewhat uncomfortable doing that. Going in and zoning someone's property because the County may want to take it some day and they could not use it, he asked if the County would be creating a problem for itself.

Mr. Crooks stated that the general principle was one that the zoning to be implemented under the Planning Strategy was done after advertisement, public notice, public consultation and it was not necessary to have the consent of the owner of a parcel of land, having gone through the process contemplated by the Act, to zone it in the way that Council judged appropriate. He said that was not suggesting that Council would not want to be mindful of the submission being made by the owner.

Councillor Peters referred to the fact that Mr. Grant had said that with the zoning that was in place, his client had the right to develop 55 residential lots. She asked when was the zoning in place and when was it changed.

Mr. Grant stated that the zoning was in place even as we speak; it was R-6 although the advertisement for this evening would mean that it could not be developed in accordance with the plan submitted in February, 1992.

Councillor Peters asked if the Plan was not passed tonight, would it remain R-6.

Mr. Grant stated that was correct.

Councillor Giffin asked who Mr. Grant had brought this matter up to before.

Mr. Grant advised that as he understood the sequence of events, in December of last year, representatives of his client and consultants met with Planning staff and a proposal was put forward on December 16 showing a concept plan for the development of the lands incorporating the Business Park segment wanted by the County. The response to that was received in the form of a Staff Report towards the end of last month after it went to Sackville Community Planning Advisory Committee. Effectively, the first opportunity that his client had to express concerns, in light of what was proposed by staff, was this evening.

Ms. Corser pointed out it had gone to Committee of the Whole on January 17, 1994.

Councillor Brill stated he had been a member of the local Planning Sub-Committee, and about a year and a half ago, an indication had been made to Annapolis Basin Pulp and Power to attend a meeting to express their interest in exactly what they wanted to do with their land. He said they did not respond. He stated that recently in December a meeting had indeed been held with Planning staff and Department of Economic Development who were involved in the Business Park and himself as a member of the Sackville Economic Development Committee. It had been agreed that a portion of the lands would be designated commercial knowing full well that they would like to see residential development on the remaining portion. He said it was certainly clear in his mind that given that a great deal of parkland has been acquired on Second Lake, some of the serviceable area could be moved over. He said in fairness to all developers in the community, however, it was felt that this should go forward separately. Right now all that was being dealt with was the commercial portion of the lands, even though it did not belong to the County.

Mr. Grant stated he could not respond to the fact that Annapolis Basin Pulp and Power did not initially respond to the invitation to meet with them. He said he could say that subsequent responses were very serious responses and involved the expenditure of a significant amount of money to develop a concept plan. He said his instructions were that at no time did his client indicate that they

were prepared to concede the rezoning of a portion of its lands to Business Park which would effectively render it undevelopable without some compensating adjustment to the zoning of the balance of the lands. If there was an acknowledgement of additional capacity within the servicing area which could be allotted to his client's lands, then the preference would be to allot the additional servicing capacity to its remaining lands rather than to the Business Park lands which it could not develop as proposed in the zoning and which was not to be developed in the immediate future. He said his understanding from his client was that it was thought that the time line for development of the Business Park lands would be sufficient to allow for adjustments to the capacity of Mill Cove. If that was the case, he asked did it not make sense to, with the stroke of a pen, extend the serviceable boundary to his client's remaining lands which were developable and accomodate his client's concerns while accommodating the County's obvious concern to extend the Business Park in future.

Councillor Brill stated that was the clear intent after the meeting.

Mr. Grant said in that case, they got it wrong in the proposal.

Councillor Sutherland sought clarification from staff with reference to the regular pattern of the serviceable boundary. He said that Mr. Grant was suggesting that with the stroke of a pen the serviceable boundary could be changed. He asked why there was an irregular pattern in terms of the boundary itself.

Mr. Butler stated that was because it followed Sucker Brook and it was the low area.

Deputy Mayor Bates stated that the changes were too substantive to deal with this evening but an application could be made for an amendment to the Planning Strategy and Land Use By-law.

Mr. Grant stated that the difficulty was that in the absence of some direction from Council as to whether or not Council was sympathetic towards his client's position, then his client was in a position where it saw a rezoning to be very prejudicial to its interests being pursued which put his client in a position where it either had to pursue all remedies available to it to stop or to agree that if this goes through, then his client would have to take any steps available and protest to the Minister of Municipal Affairs.

Mr. Butler stated that a Staff Report had been prepared about six months ago about the capacity that would be generated by the Mill Cove expansion. That was one of the areas which had been recommended could be included within the serviceable area. Subsequent to that, as Councillor Brill indicated, Second Lake Park would open up even more. He said the decision was to try to deal

with the service capacity and where that goes as a separate issue. He said he did not know if it was any consolation but, from a staff point of view, it was an area that Engineering and Planning Departments were prepared to consider and recommend for inclusion within the servicable boundary when the Mill Cove expansion proceeded.

Mr. Grant stated that two years ago his client was ready to develop the land and the brakes were put on and now they cannot develop the lands at all. If the proposal goes through, the County gets what it wants but his client gets nothing.

Councillor Peters asked if the Plan was passed tonight and Mr. Grant's client chooses not to pursue the legal route to the Minister, would they not have to come to the County and pay money to have the zoning changed which would mean an added expense.

Deputy Mayor Bates said that there was the ability to waive the fees.

Mr. Grant stated that was a small expense compared to what his client had already spent.

Mr. Crooks stated he had heard the comments of Mr. Butler as to the staff position. It would not be appropriate for Council, on a specific issue like this, to commit itself in advance one way or the other. The process under the Act, including Public Hearings, had to be followed before Council took a position. He said he did not know if there was really any assurance of a firm nature that could be provided other than that Council could always indicate its willingness to entertain an application for amendment.

Mr. Butler stated there was another instance where a Plan was being adopted where Council did say it was prepared to initiate an amendment after a Plan was adopted. It was not a conditional approval but Council did say it was willing to initiate an amendment relative to an applicant's request.

Mr. Grant stated that would be appreciated by his client.

SPEAKER IN OPPOSITION

Mr. Don Mason stated he was with the firm of Washburn & Gillis Associates, a planning consultant company and was here tonight with Mr. George Reid of the Department of Economic Development - the Department which owned the lands of the Sackville Business Park. He stated he was asking Council to consider some minor adjustments.

Mr. Mason said that he had gone through the Municipal Planning Strategy and the section which related to the Business Park designation, particularly page 86. In going through the text of this and working up to Policy BP-1, the identification of the