

makes very little since from a servicing point of view.

From a planning perspective the area in question, the entire 700 acres, is located within the residential designation where the planning strategy clearly calls for and intends that residential development continue and it is zoned appropriately for that purpose. He said it is a logical area for development to extend. There is development all around it and development in that triangle between the Fall River Road and Beaverbank Windsor Junctions Crossroad. One issue of planning concern is the fact that, based on previous development, with central water the rate of development will be faster than it might be without it. Implications might be that any impact on services could happen more quickly than might be anticipated if development were to proceed simply on the basis of on site services. He said they don't necessarily feel that this is a provision that should necessarily be regarded as negative but it is a consideration.

From an environmental point of view they are not aware of any significant site constraints which would lead staff to have any serious concerns about the properties in question. He said staff would raise the issue of central water and on site sewage disposal systems. He said it should be noted that as in other areas Department of Health has required larger tanks than would be required with wells. He said this is intended to offset the assumed higher rate of water consumption. He said the water service district that council has already established, and the assumptions upon which they were based, have already, in their totality exceeded the available water capacity which Halifax County has legal permission to acquire at the present time. Any additional water service districts have to be approved on the basis that additional water would have to be acquired at some time in the future.

Mr. Wdowiak said the total area under consideration is approximately 700 acres. He said parts of the two developments are already within an existing water serviceable area. He said Miller Developments own lands immediately adjacent to the Capilano Estates. He said staff have carried out an analysis to determine if adequate water supply can be delivered to the boundary of the proposed serviceable district. This analysis incorporated a number of assumptions. They assume there will be approximately 545 lots that will potentially be developed on the 700 acres. This is based on the average density in similar developments. He said they have assumed 3.5 persons per lots for a total of 1910 people. They have used a figure of 90 per capita per day per person for an amount of 143 gallons per minute. This may be on the high side. The present allocation of the water service districts that have been approved by council exceed the in hand capacity or capability of accessing twelve million gallons. This might be on the high side and they would like to, at this time, point out this is the basis on which the

assumptions were made. They assumed the fire flow of 960 US gallons per minute, 800 gallons per day per minute. Emergency storage allocation in order to determine what the total costs associated with this water service district. He said that would be 430 thousand gallons for emergency and balancing storage. He said this would be a two day emergency storage.

He said it has been determined that in order to provide adequate fire protection to the proposed district that development must occur from the Fall River Road side. The proposed phasing and scheduling for the Capilano Developments is coming in from the Fall River Road side. As the scheduling proceeds there will actually be an interconnection to the first part of their development where water now exists. In order to supply the entire fire flow to the district without impacting or reducing pressures within the Sackville distribution system, an extension of the twelve inch main along the Beaverbank Windsor Junction Crossroad will be required in the future. He said they have identified that they will require, at some time in the future, some reinforcement along the Windsor Junction Beaverbank Road. They have identified a cost of \$360,000. The reservoir component of 430,000 gallons. He said the reservoir storage is not required at the present time. He said the County has constructed the second storage reservoir in Sackville and there are plans to put in two additional reservoirs.

A continuation of the Windsor Junction connection charge of \$1,000. per unit earmarked for water infrastructure improvements of this water service district would pay for the identified costs required. He said he would like to advise council that if favourable consideration is given, Halifax County is really committing to these future capital expenditures. Revenue to be generated is based on the average density experienced in similar developments. These densities could be up or down, when completed, resulting in surplus or deficiency.

The master plans which are the requirement for council's consideration of new water service districts are the responsibility of the developer. He said they wanted to ensure that Halifax County could supply water to the district. Capilano Estates have submitted the proposed phasing and the required modelling. He said these schedules conform with the requirements. The actual distribution layout will be processed at the approval stage. He said things like verification of line sizing, pipe sizing will be done at the final approval stage as well as potential interconnection with the other Miller Development development. Some of these have been identified where you could have potentially interconnection between the two areas. The connection to the Fall River Road is proposed as the first phase. He said the connection is to a private main currently serving the golf course. He said there is a question of conveying that to the Utility. He said this is a detail that

has to be worked out and they do not foresee any difficulties.

Miller Developments have submitted a concept plan for the development showing possible interconnection to Capilano. They have not provided the modelling that is required; however, staff feels that on the basis of the examinations they have undertaken they believe that the details can be worked out. There would be no negative impact on the Utility. If approval is given and subdivision occurs, this will result in a benefit to the operations of the Utility.

Deputy Mayor Bates asked why this was not included in the original water districts.

Mr. Wdowiak said there were several scenarios that evolved. Some of them quite larger than what they are now lending to the question posed by the Deputy Mayor. He said they tried to tight line wherever they could. There were two letters submitted by Capilano Estates indicating their desire to be included in the water service districts. These did not come forward. He said there was a capacity allocation that they were trying to limit.

Deputy Mayor Bates said if these developments go ahead and somebody else, already in the water district, could have a problem down the road if they don't establish more capacity.

Mr. Wdowiak said they carried out some analysis of the actual flow allocations. This analysis was made on the basis of 90 gallons per capita per day. He said that not only includes the average day demand but also the peaking component. He said they did run some scenarios based on 90 gallons per capita per day. He said at 80 gallons per capita per day the ultimate demands are down to 12.8 million gallons.

Councillor Cooper referenced the fire flow. He asked if it was the same fire flow that is used in other areas of the municipality.

Mr. Wdowiak said it is for this type of development. He said that translates into 800 imperial gallons per minute.

Councillor Cooper asked if the costs outlined was just to bring the services to the water service district.

Mr. Wdowiak said the water is to the proposed water service district now. He said they are suggesting that when development continues and the water service districts are filled then improvements will be required to the present supply in order to ensure that there is no impact on the present pressures and flow characteristics within the remainder of the districts that are being served.

Councillor Cooper asked if inside these extensions the costs for these are being borne by the residents in their lot prices.

Mr. Wdowiak said they are. The internal piping is borne by the developer who recovers his costs in the sale of properties. The residents that are buying the lots are paying for the internal infrastructure and the \$1,000 per lot connection charge is in addition to that which is to ensure the expected and anticipated reliability of service.

Councillor Cooper asked if there were any monies coming out of the reserve capital from the municipality for this project.

Mr. Wdowiak said there is not. He said when the project in the Windsor Junction area was constructed there was approximately \$155,000. that was borrowed from the capital grant fund in order to make the project feasible and to extend the water. That amount was to be recovered from the homeowners before any excess funding was placed into a special reserve fund for the Utility. He said an amount was borrowed from the Capital Grant Fund and the \$1,000 connection charge has been used to repay that. He said after the borrowed amount has been repaid the money can go into the special reserve fund for the Utility.

Councillor Cooper asked if there were any other applications pending at the present time for increased water service districts.

Mr. Wdowiak said there is Maplewood in Hammonds Plains. This is an extension from the Hammonds Plains Road.

Councillor Cooper asked if he foresaw a situation that if Halifax County continues in this manner of considering these extensions it will run itself out of water sooner rather than later and in that case, what will the Municipality have to do.

Mr. Wdowiak said that if Halifax County just proceeds to accept, consider or grant approval to any application that comes forward, without really being conscious that there is a capacity question issue, yes it may run out of water. He said the Municipality will then have to either purchase additional water supply capacity or develop new water source capabilities. He said the information they have presently is that the customers that are served by the Pockwock system which are the City of Halifax, through the Public Service Commission, and Halifax County. He said Halifax County's rate of usage is increasing. The Halifax Water Commission rate of demand has flattened out and it is anticipated that there may be a drop in their projected rates. He said if the Halifax Water Commission's requirements, in the future, are lesser than they require the Utility may be able to negotiate purchase of additional sources. If not, the Utility may have to develop additional sources. He said he feels there

is an expectation that present water consumption rates be less in the future because of various considerations. There are charges for water which now reflect the pollution control charges. That has an effect of lessening the water usage. More low flow fixtures will have an impact.

Mayor Ball said that down the road Halifax County will be looking at purchasing water whether it's in this development or somewhere else.

Councillor Cooper said the report addresses the engineering, financial, etc. When the original water service districts were put into place under Policy P8B they were primary concerns. They haven't been addressed in this report and he would like to know how those lands fit in those first three criteria.

Mr. Butler said the staff report is a preliminary staff report. It was anticipated that further information would be provided and a more detailed report would be forthcoming. He said he is not aware that there is a question of a water quality or quantity problem in that area at the present time. He said there is an existing community. There is Charleswood and the existing Capilano. He said this is a new development area and there is no existing community to be serviced, it is for new development. The looping that would be a result of this would enhance the entire system. There is a major advantage to including this area in terms of looping between the Fall River Road and the Windsor Junction Beaverbank Crossroad.

Councillor Cooper asked if that looping would be required at the present time.

Mayor Ball said a that looping does is enhance the system so that if you have a water breakdown you have a different method of getting the water to the customer. He said it is to a benefit and at some time it should be done.

Councillor Cooper said the County seems to have extended itself beyond what was the original intentions. He said this is setting a precedent and he is concerned that somewhere down the road the County may be looking at a liability from other developers.

Councillor Snow said the report keeps referring to Fall River but it is the Windsor Junction Road. Fall River, in the near future, will have to be going through the same exercise. The Windsor Junction community will build up and now is the opportunity for the developers who are paying the full cost and putting the water in. He said this is enhancing the community which will enable them to, in the future, get amenities which they can't afford because of low tax assessment. He said he feels this should be just a formality where it should have been already heard had it not been overlooked by the Engineering Department.

Councillor Barnet said Mr. Wdowiak referred to 90 gallons per person per day and essentially that may not be what people use. He asked what other municipalities use as a guideline.

Mr. Wdowiak said that traditionally the 90 gallons per capita per day has been the figure that has been used. He said this includes peaking. He said that because of the type of development the peaking exceeds the one and a half times getting up to 1.9. The 90 gallons per capita includes the peaking requirements.

Councillor Barnet said the it had been indicated that the costs are somewhere about \$595,000. and the County is able to recover \$545,000. based on the concept plan. He asked if any consideration was given to the soil conditions because soil conditions would directly affect the size of the lots. He asked if there was an analysis of that or was there consideration as to how big these lots would be. He said his concern is that if the soil conditions were poor and the lots ended up bigger then instead of recouping \$545,000. the County could get less than that and instead of having a \$50,000. shortfall there could be a shortfall in the range of \$150,000.

Mr. Butler said the minimum lot size in this plan area is 40,000 square feet. There is no ability to go to twenty. He said forty to fifty would be the standard size. He said most of the lots in that area are being approved in the forty thousand.

Councillor Barnet asked what had been used as a basis.

Mr. Butler said 60,000 which would be a gross calculation including roads.

Councillor Barnet what would be the requirements for lot size if a property had category three soil conditions.

Mr. Butler said it would be 100,000 would be the minimum permitted.

Councillor McInroy said in Cole Harbour they responded to requests from land speculators and land developers and allocated all the servicing capacity that they have. He said there are now situations of land locked, isolated parcels where the owners are advised that they didn't ask for it when it was being handed out. He said asked if the County was bypassing someone who happens not to be a developer or speculating on the development of residential property. He said he would be concerned that development be included in those boundaries primarily from a planning point of view and not just in response to specific requests that are made by particular land owners.

Mr. Butler said the process is set up to deal with individual

requests as they come forward. In this particular instance they are suggesting 700 acres. He said there are no isolated areas that aren't included. He said it is a logical extension of what is already there as the water service district comes around and follows the road.

Councillor McInroy said there are examples where it doesn't make any planning sense as to where the serviceable boundary has gone in the past. He said he hopes the County is going to continue to respond, in planning, to specific requests that come forward.

Mayor Ball referenced the \$1,000.00 charge. He said it is his understanding that this is a charge that was put out by the Utility and Review Board when the infrastructure was put down the Windsor Junction Road. He said it was his understanding that it was not done on a frontage charge but on each person who wished to hook up from that point in time on had to pay the fee. The people who got the water originally weren't paying for somebody to come along later and gratis be able to hook into it.

Mr. Wdowiak said approval was given by the Utility and Review Board in consideration for repayment of that \$150,000 that was borrowed from the capital grant fund to make the project possible.

Mayor Ball asked if these amendments were passed this area will be included in the water service district.

Mr. Butler confirmed this.

SPEAKERS IN FAVOUR

Mr. Ron Hiltz, Wallace MacDonald Liveley, spoke in favour of the application. He said they are the engineering firm representing Mr. Laurie Black the owner of Capilano Estates. He said their clients application is complete and Mr. Wdowiak indicated as much. He said they have addressed all the issues that were raised in the staff report which addressed modifications to the water service district.

He said Mr. Butler indicated that water is a precursor to increased lot sales. Mr. Black has informed him that the rate of take up in Phase 1 Capilano was approximately four lots per year. He said they concur with water pipe sizing at the time of final approval. He said they would like to point out that the water model which was presented to staff is a part of their submission and has the complete sizing for the full development. Because of the way they are developing and have agreed to make the connection to Phase 1 first a line (he outlined the area on the map presented) is being upsized to accommodate the fire flow as they proceed in that direction at their clients cost. He said Capilano did make application and it is now a uniform block of

land.

Councillor Barnet asked if Mr. Hiltz knew what the soil conditions were.

Mr. Hiltz said they are anticipating the majority of the lots to be category 2 which is 50,000 square feet. There will be a C2 bed. He said it is quite possible that some of the lots will be category 3 but predominantly they are anticipating category 2. He said they are encountering 16 to 20 inches of good soil over clay which is not unusual for that territory.

Mr. Tom Swanson, President, Aldernay Consultants, spoke in favour of the application. He said he was representing Miller Developments. He said they did not submit concept designs and calculations for water system because they only learned a couple of weeks ago that the county was requesting concept planning for this area. He said they did submit concept plans and showed looping where the water system could be put in and strengthened. He said any pipe sizes would be adequate to provide the fire flows and to strengthen the existing county system. These would be done at the time of detail plan submission. He said this will strengthen the existing water systems in the Windsor Junction area and the Beaverbank/ Windsor Junction crossroad. He said the people who purchase lots in the Windsor Junction area perceive that this is on the fringe of the arsenic zone and therefore it materially affects lot sales whether there is a public water supply or not.

He said Mr. Wdowiak indicated that the county is using conservative projections for water consumption. He said what was not indicated is that the population figures on which he is basing projects are 3.5 people per household. He said an analysis of the most recent statistics shows that the average household population is continuously dropping and that the latest statistics average about 2.8 people per household. Assuming a consumption per capita remained the same it would make up the projected 25 percent deficiency because there tends to be smaller households. He said the Pockwock water system has been defined with the intention that it should be expanded in the future and he would expect there would be additional capacity available for purchase in that area.

SPEAKERS IN OPPOSITION

No speakers in opposition.

DECISION OF COUNCIL

It was moved by Councillor Snow, seconded by Councillor Giffin:

'THAT COUNCIL APPROVE APPENDIX "A"'

MOTION CARRIED
15 IN FAVOUR

It was moved by Councillor Snow, seconded by Councillor Sutherland:

'THAT COUNCIL APPROVE APPENDIX "B"'

Councillor Cooper said his concern is that these lands don't have anybody living on them. He said there are lands along the main road where people are living which should be serviced. He said when these water service districts were developed staff and the municipality had great concerns about everything that was provided. He said the County is extending and overloading everything. He said he feels that the County is inviting developers to bring in submissions and the County Water Utility and Engineering Department will go out and find reasons to have them included. He said did council not look at water service districts to meet problems and have some control on additional costs within the municipality. He said there is also the concern that in these areas the county is not looking at an average community because it is a building up community. He said you may find an average of 4.5 people per household in new communities. He said it comes down to whether council and this municipality is going to uphold the standards that were met for the water service districts or go back to including unfettered extensions of water in this municipality. He said water service districts have been established and areas have been told that they can be included and will meet their needs. If there are unfettered extensions can those that are in a water service districts now, sue the county for promising water for them and now find they may be out of water.

Mr. Crooks said the issue is primarily one of policy rather than of potential legal liabilities. He said the approach would be that the water service districts would be designed in a way that anticipated capacity would match the areas intended to be serviced over the period of time. He said the Planning Act makes it quite clear that the adoption of a Planning Strategy or Land Use By-law does not commit the council as a matter of law to carrying out of the projects that are referred to in the document. He said the rationale for these districts, as amended from time to time under the Strategy, is to control and limit water service extensions in ways that relate back to the capacity that is available. He said it is also with a view to controlling development patterns consistent with the municipality's objectives. He said on the basis of his understanding and having regard to the provisions of the Planning Act in his opinion it would be unlikely that a developer could succeed in an act against the municipality. He said in the absence of detailed information and knowing the circumstances of a particular case it is difficult to be more definitive.

Councillor Cooper said council must ensure that the municipality is going to serve those it promised to. He said that if policies were going to be set then they should not be changed within six months to a year.

Mayor Ball said it should be noted that the county established water service districts and invited people to make submissions. He said if this submission had been dealt with at the time it would have been included in the water service district. He said however, for some reason, that particular request did not arrive before PAC nor to council when that water service district was set.

Councillor Giffin said this district was talked about when council was discussing water service districts but they were missed.

Councillor McInroy said he feels this makes planning sense and it should have been there from day one. He said the only reason it wasn't was because the developers didn't ask for it.

MOTION CARRIED
14 IN FAVOUR
1 AGAINST

FILE NO. PA-LAW-12-93 - AMENDMENTS TO THE MUNICIPAL PLANNING STRATEGY FOR LAWRENCETOWN TO ALLOW FOR RECREATION USES WITHIN THE LAWRENCETOWN DESIGNATION BY DEVELOPMENT AGREEMENT

Susan Corser made the staff presentation. She said this application deals with a proposed amendment to the Planning Strategy for Lawrencetown. The application has been made by an individual, Reid Patterson, who wishes to locate a water sport equipment sales and rental outlet on his property on Crowell Road in Lawrencetown. The property is located opposite Parkwood Drive which is the entrance to the Saltwater Lake Subdivision. Mr. Pattersons property is just over one acre in size and he is proposing to construct a 1500 square foot building which would contain the office, retail and some storage. The building would be designed and constructed to look like a residence. The nature of the proposed business would involve sale and rental of canoes, wind surfers, paddle boats and accessory equipment.

She said under the current policies a use of this nature cannot be considered at this location. Mr. Patterson in supporting information provided to staff has indicated that he feels the plan, when it was approved in 1990, should have made the necessary provisions for businesses of this nature. She said he states that this type of business would provide a service to the community, to visitors and tourists and would provide local employment.

The Lawrencetown designation is intended to support and protect a semi rural environment thus containing lower density residential uses, home businesses and agricultural and small scale resource uses. She said with respect to business uses the base zone provides for home businesses including small scale bed and breakfast. The floor area of a home business is currently limited to 1,000 square feet and this may be conducted in an accessory building and up to 25% of the residence or dwelling may be used. A larger home business may be considered by Development Agreement under current Policy up to 1850 square feet. Bed and Breakfasts may contain up to three bedrooms by right in the base and larger scale Bed and Breakfasts as well as other forms of tourist accommodations such as lodges and campgrounds may be considered by a Development Agreement. Other than home businesses and tourist accommodations the present Strategy does not provide policy support for other commercial uses. According to the plan the residents of Lawrencetown feel there needs for services in retail goods are adequately met by the businesses in Cole Harbour and Dartmouth.

The type of business proposed in this application would be defined as a recreation use under the existing Land Use By-law for Lawrencetown. The definition of recreation use does specifically exclude things such as racetracks, rifle ranges, golf courses and drinking establishments. While the Lawrencetown designation is not generally supportive of new commercial development there is recognition in the plan of the value of the tourist industry in community development. The plan also recognizes that importance of small business and opportunities for local entrepreneurial activity through provision for home businesses. The strategy does, however, emphasize protection of a semi rural environment as being very important. When staff looked at this application they identified three areas of consideration in terms of their evaluation. First, was the type and scale of recreation uses which may be considered appropriate in terms of complementing the objectives of the Provincial park system of which there are two in the plan area. Second, what type of demand exists for this type of use in the community and third, the nature of the proposed use in relation to the plans objective to residential development.

In terms of complementing the objectives of the Provincial parks system staff contacted the Department of Natural Resources and they indicated that a use of this nature could be considered complimentary given it's proximity to the Lawrencetown Beach and Porter's Lake Campground. In addition, a recent review of the provinces campgrounds and parks indicates that private sector businesses can benefit when located in proximity to parks and campgrounds. The proposed location of Mr. Pattersons watersport equipment sales and rental outlet would be in close proximity to both the Lawrencetown Beach Park and the Porter's Lake campground. Both these parks are situated on water however non

motorized boat or canoe rentals are not available in these parks. Mr. Patterson's business would therefore be providing a service to the park users thus complementing the outdoor recreational resources found here. While enhancing overall recreational facilities for the local community the demand for the type of business proposed is unknown. Only one similar business operates in the general area that being on Main Street in Dartmouth. Staff was unable to confirm what level of consumer demand would exist without a comprehensive market study. The third point to assess whether or not the proposed use is in keeping with the Plan objective to maintain a semi rural environment a comparison was made between the proposed use and the Plans' existing provision for home businesses and tourist accommodations.

She said if Mr. Patterson was to reside on the subject property then the proposed use could, under the current rules, be considered a home business. He will be living two properties away from this property. In addition, it is possible that a campground or other form of tourist accommodation, which far exceeds the scale of this proposed by Mr. Patterson, could currently be considered by Development Agreement. Further, the type of business being proposed could be considered accessory to a tourist accommodation use and developed in conjunction with such a facility. Staff are satisfied that the circumstances surrounding the application justify an amendment to accommodate recreation uses in the Lawrencetown designation. She said they do not; however, believe that such a facility should be allowed on an as of right basis as this would not be consistent with the philosophy of the designation. She said staff does recommend the use of a Development Agreement(s). She said this approach would allow enough flexibility to enable a recreation use to proceed while ensuring the level of control needed to address the concerns of nearby residents. A Development Agreement could be used to evaluate the scale of a development, ensure adequate separation from existing residential uses, deal with buffering and landscaping and other on site considerations.

Presently Policy P-8 in the Municipal Planning Strategy establishes the policy basis to enable tourist accommodations to be considered by Development Agreement. The proposed amendments include the words recreation uses within the existing Policy P-8. She said the existing policy criteria would also be amended to enable council to better assess the impact of the proposed use of a proposed recreation use. She said the amendments, if approved this evening, would allow for any properties in the Lawrencetown designation to be considered for a commercial recreation use. Matters relating to servicing, access sites, etc. would dictate the ultimate design and scale and would determine whether or not a specific proposal was appropriate. The Development Agreement process would be used on a site specific basis to examine each proposal on it's own merit. Staff would recommend approval of Appendix B and C.

QUESTIONS FROM COUNCIL

Councillor Cooper asked what would be included under sporting facilities.

Ms. Corser said the definition of a recreation use says "used for commercial recreation, recreation, camping, sport or entertainment purposes". She said it does specifically exclude things like vehicle racing tracks, theatres and cinemas, golf courses, outdoor rifle ranges, drive in theatres, nightclubs and beverage rooms. She said boating, perhaps sport fields could be included. She a field used for recreation would be already be permitted as an open space use. She said it does not specifically exclude amusements parks though it does say racing tracks, etc. She said given the range of uses that it is excluding she said in her opinion she would not say it would include amusement parks. She said it is open to some interpretation.

Councillor Cooper asked Ms. Corser to identify some of the changes that had taken place within Policy P-8.

Ms. Corser said what staff attempted to do in the proposed Policy P-8 was identify criteria that staff could comfortably assess.

Councillor Cooper asked why site specific characteristics were removed.

Ms. Corser said they felt that was a very subjective clause. Staff felt the proposal could be better assessed given the revised criteria that is being proposed. Staff felt the separation from residential development and is not located on environmentally sensitive land. She said this site is still being dealt with in terms of its suitability but it is not as general.

Councillor Cooper said there are a number of references in the old Policy P-8 towards environmental aspects.

Ms. Corser referenced sections of the policy dealing with environment. She said under the clause E of the proposed policy staff would be looking at things like the treatment of on site waste. Part E in the existing policy talks about the effect the use on the natural environment as contained in a report from the appropriate Federal/Provincial authority. This is one staff has had a lot of difficulty with in the past in terms of getting the information from the applicant to that agency to get their comments prior to getting an indication from council as to how successful the application is going to be. She said in structuring the agreement staff would identify the things needed for input from agencies. She said that input would be made a requirement of the developer. She said the developer would have

to come back with those letters or reports and then staff would be in a position to issue a permit.

Councillor McInroy asked why the words "and recreation uses is used".

Ms. Corser said this is used because there is a specific definition for recreation use and that definition includes commercial recreation. She said if there was a concern with balancing the retail component with the actual on site recreation that is something the agreement could look at in a lot more detail.

SPEAKERS IN FAVOUR

Mr. Reid Patterson spoke in favour of the application. He said this is an environmentally friendly, tourism promoting, employment creating, quiet and clean small business. To make these types of businesses a reality a plan amendment must be granted along with a Development Agreement being negotiated. The Lawrencetown Plan which was adopted does not allow small businesses of any type to start or operate with the exception of small backyard enterprises of up to 1,000 square feet.

He said he would like to operate a 1500 square foot business that is not associated with his place of residence. It would be on a separate parcel of land on its own. He said it has been suggested he wait until the review of the Plan. He said this may mean up to a three year wait with the end result being the same plan that is in place now. He said he and other residents feel that the elimination of all small businesses, except home businesses, is not entirely the route that should be taken to develop the full potential of the rural community. He said in a personal door to door survey of the immediate area he found that residents were in favour. He said he has since asked for written support which has been provided. He said other than the Lawrencetown Citizen's Committee, a list of eighteen persons has signed the petition against this development. He said he feels small businesses should be encouraged not discouraged. He said he fully understands the concerns of people on the subject of progress. He said as to traffic and bus stop concerns he has two children and if he felt that this development would endanger anyone's safety he would not proceed with these plans.

He said if it would help ease concerns the plan could be more area specific such as to permit a wider variety of commercial recreational and tourism uses along the Crowell Road which only takes in about four miles of the Lawrencetown designation.

Councillor Reid asked where Mr. Patterson lives in relation to the proposed site.

Mr. Patterson said he lives two doors down and his parents live next door to the site.

Mr. Bruce Conrod spoke in favour of the application. He said he is a resident of Gaetz Brook. He said he is representing the Eastern Shore Environment Society. He said the society unanimously passed a motion in support of the application.

Mr. Ron Walsh spoke in favour of the application. He said the area in question used to be a heavily grubbed out area. He said he feels things are being done in the right direction and he feels what Mr. Patterson is proposing is going to benefit the community. He said it will be a clean safe place. He said there will be a boat launch, a grassed area with picnic tables and he cannot see anything wrong with this proposal.

Mr. Reg Kinsman spoke in favour of the application. He said he is a resident of the Crowell Road. He said he does not see any problems with the establishment of this business and he is in agreement with the proposal.

Ms. Darlene Patterson spoke in favour of the application. She said she grew up in the area and there were no recreation facilities. She said she feels this would be an asset to the community and surrounding communities.

Mr. Gilbert MacDonald spoke in favour of the application. He said he is in favour of the proposal. He said he does not see any environmental concerns with this application. He said with regards to traffic, windsurfers currently use that part of Porters Lake at the present time with no parking facilities. He said they park on the shoulder of the road. He said Mr. Patterson's business would give them a place for their needs. He said he has seen businesses, such as the one proposed, to be an asset to a community. He said Mr. Patterson wants to build a small business that caters to outdoor sports and activities. He said he would urge council to approve the application.

Mr. Gordon Crowell spoke in favour of the application. He said he feels Mr. Patterson's proposal would be a good one for the community.

Mrs. Patterson spoke in favour of the application. She said they want their business to be environmentally friendly and pleasing to the eye. She said they would be willing to meet with any residents who may have a concern with regards to the proposal in order to have them addressed.

Mr. Craig McIsaac spoke in favour of the application and encouraged council to approve the proposal.

SPEAKERS IN OPPOSITION

Ms. Ann Monacle, Lawrencetown, spoke in opposition to the application. She said she has serious concerns regarding the impact such a development, or any commercial development, would have on the life of her family and the life in her subdivision. Development of the land for anything other than residential would increase traffic. She said Mr. Pattersons property is close proximity to the subdivision. She said there are approximately thirty children in the Saltwater Lake Subdivision and most of them, on returning from school in the afternoon, leave the bus on the Crowell Road where the Patterson property begins. The majority of the subdivision residents cannot see the bus stop from their residences. She said increased traffic and increased strangers in the neighbourhood does not seem like a benefit. She said the residents of the subdivision were concerned and have expressed their concerns in letter form. She said she would urge council to listen to the voices of the residents of the subdivision. She said the Planning Strategy is excellent in maintaining the semi rural nature of the area. She said she would ask that council let the plan remain unchanged until it's December, 1995 review date. She said after the Public Participation session held in Lawrencetown August 16, 1994, Mr. Patterson was out operating his bulldozer at 6:20 a.m.

Councillor McInroy asked when Ms. Monacle made reference to increased strangers was she referring to people who come to the area to use the lake.

Ms. Monacle said if there is a commercial business, even if it was a corner store, there would be increased traffic and an increase in the number of strangers. She said she would be concerned of any commercial business being set up at the end of the subdivision.

Deputy Mayor Bates said in his opinion this proposed business would not generate a large increase in traffic. He said it is not like a corner store where there would be traffic coming and going. He asked if there were any other businesses operating in that area.

Ms. Monacle said there are small scale businesses.

Deputy Mayor Bates said why would she not consider this similar to the small scale businesses.

Ms. Monacle said there are nineteen parking spaces and the architectural rendering does not sound like a small scale business to her. If the business took off where would the parking be for in excess of nineteen spaces, on the street where the children play.

Deputy Mayor Bates asked her how long she has lived in the area.

Ms. Monacle said she has lived there for nine years.

Deputy Mayor Bates asked if she felt this business would generate as much business as a convenience store.

Ms. Monacle said she feels the plan should stay as it is until the review date.

Mayor Ball asked if there was an area along that road, other than Mr. Pattersons property, where one can access Porter Lake to canoe.

Ms. Monacle said she has seen canoe's on the lake.

Mayor Ball clarified that there is nothing to stop someone from using a canoe on the lake just that there is no place to rent a canoe. Ms. Monacle said she would have to say yes.

Councillor Brill asked if she would prefer that Mr. Patterson had the business located in his home and had cars coming into the subdivision. Ms. Monacle said that this is not the issue.

Councillor Giffin said there were a number of letters received from Ms. Monacle over a period of time.

Ms. Monacle said that all the letters that were received from her were written by her.

Mr. Ed Kennedy spoke in opposition to the application. He said he is a resident of Saltwater Lake Subdivision. He said he feels that the staff report is biased in support of this application. He said the report is far too focused on how this development would complement the provincial park system while ignoring key planning strategy objectives. In support of the application, the staff report references a recent user survey of the provincial parks to indicate the potential use for the type of business proposed. He said in total from that survey there were 2,697 respondents and the question was asked if people would be willing to pay for facilities or participate in programs or activities. He said responses were: 71% no, 29% yes. He said in further questions only 6% of the total surveyed indicated that they would be willing to pay to use additional facilities. From these responses it would seem the majority of the people are happy with the parks the way they are. Only 24 of 2697 respondents felt that a private concession, offering paddle boat rentals, would be a good addition to the parks. He said the staff report seems to place great emphasis on how well the proposed business would complement the park system but the analysis by the parks does not support this.

He said as a resident of the area, he would hope the staff report would have focused more on how this amendment might affect the

people in the area than on how well it might complement the provincial park system. He said the intent of the Planning Strategy is not to enhance or complement the park system but it shall be the intention of council to support and protect the semi rural environment with it's mixture of residential development, home businesses, agricultural uses and small scale resource uses. He said the staff report neglected to mention that there already exists an established non motorized boat club in the community next door to the provincial park. He said that is a place to launch a canoe as well as the provincial park. He said the recommendation passed at the September 13, 1993 PAC meeting stated that direction be given to staff to proceed to evaluate the plan amendment request of Reid Patterson based on the issues and procedures and prepare appropriate policy options. He said appropriate policy options not amendments which would allow this proposal to proceed. He said he would remind councillors that the PAC forwarded this issue to council with no recommendation. He said he would ask council to keep in mind that they are being asked to approve an amendment to the Planning Strategy affecting the Lawrencetown community not to approve a business which may or may not be complementary to the park system.

Mayor Ball asked if the club referenced was a private club that would require the purchase of a membership. Mr. Kennedy confirmed this.

Councillor Randall said the Kinap Club is a place where you can launch a canoe but it is not possible to rent one and it is reserved to members only.

Mr. Bill Mackie spoke in opposition to the application. He said he is a professional engineer and has been a coordinator of recreation facility development for the Nova Scotia Sport and Recreation Committee for twenty one years. He said he reviewed the background and rationale submitted by planning staff. He said his main concern was with what was happening here to a plan that took ten years in the making and has only been in existence for four years and is now about to be entirely changed for one application. He said staff used three criteria to assess Mr. Patterson's application - type and scale appropriate to complementing provincial park system. He said he does not feel this is the priority of the Lawrencetown plan. He said the report talks about complementing the provincial park system but no mention has been made of the fact that there is a designated park area which is the lot immediately next door to the lot in question. This is land that has been designated for park for the subdivision area which is on the lake.

Demand for this type of use within the community. He said the data indicates that there is not a high demand for this service but particularly to service within the parks as opposed to surrounding. He said the study does not mention the Kinap Club

located even closer than the park or Lawrencetown beach. The province has been dealing with Kinap and there is infrastructure program in place conditional on municipal funding. He said many clubs charge for membership. He said a community club exists and a municipally owned park designated piece of property is the immediate adjoining lot. He said the report states that the demand for the type of business being proposed is unknown. Also, it states that staff is unable to confirm what level of consumer demand exists for the type of business proposed without a more comprehensive market study. He said as a small businessman he has had need to negotiate with banks and one thing they kept insisting on was a business plan including market assessment. Why should the residents of a community expect any less if the environment is to be put up for grabs. He said the third criteria - proposed commercial recreation use relative to the residential development objectives of the Lawrencetown community. He said the Lawrencetown Plan rejects this proposal; a recent consideration by the Lawrencetown Citizens Committee confirms that rejection. He said the planner tries to say that there is little difference in the plan requirements and the proposal by implying that all the applicant has to do is to live on the premises. He said this statement has to raise questions about the planners credibility. He said the proposal is in excess of one thousand square feet. He said even if the applicant lived on the premises the business is not classified as a home business but is a local business store.

He said he would like to point out that the Plan goes to great lengths to clarify not only the specifics but it's intentions. He quoted page 11 of the Lawrencetown plan. He said it was stated that the amendment will enable the development to be reasonably consistent with planning strategy objectives. He said the Lawrencetown Plan states that council may not take any action within the scope of the Planning Strategy which would in any manner be inconsistent with the Strategy or at variance with it. He said P-1 and P-2 clearly indicate that the planners who drafted this document gave considerable amount of thought to business stores, home business, tourist accommodations, etc. He said the Land Use By-law defines the word shall as mandatory and not permissive. He said there is no need to add sporting facility in the amendment because it has already been addressed under P-44. He said it is stated in P-57 that amendments and agreements shall be considered only if they meet the policies found within the Planning Strategy. He said he would suggest that this proposal clearly does not.

He said Policy P-8 is a policy referring to accommodations. He said this amendment is talking about activities. He said the entire planning document taken as a whole gives a clear picture of the strategy intent namely, significant stores are adequate in the metro area and recreational activity facilities will be provided for by the County and Residents Associations. He said

it clear that this proposed amendment is contrary to the intent of the entire strategy yet the staff report tinkers with one unrelated policy. He said the remaining changes simply take the existing specific conditions and roll them up into six general conditions. He said if there is a good reason for changes then changes should be obvious but it isn't. In generic terms it could be argued that there is little or no change in the original intent. He said of the six new changes, four are based on the word reasonable and the definition of reasonable will be supplied by planning staff independent of other county staff or the Lawrencetown Citizens' Committee or residents affected. He said that would be unreasonable in his opinion. He asked why was it necessary to remove "that the solid and liquid waste will be treated by the most appropriate means available as determined by a qualified person to ensure environment protection". He asked if this now meant that was no longer to be treated this way or is it that the planners want to make a decision without being bothered by the determination of a qualified person. He said this change begs that question or why change it. He said the only justification he can see in the changes is to fast track a process which is specifically intended to ensure the exceptions to the strategy should not be considered but, if they are, it should only be after exhaustive investigation and not by cutting corners.

He said in his opinion county planning has tried to foster the impression that the Strategy was a plan that hastily put together and that there were oversights in the process. He said this is totally misleading. He said all of this has resulted from an application by one individual to develop a specific lot for a purpose clearly not acceptable to the existing Lawrencetown plan. He said there are plenty of opportunities for business even within the Plan document that so many people seem to be criticizing. He said no one is fighting change, no one is fighting entrepreneurs, no one is fighting business. He said his reason for being here is to defend the Plan. He said it was put in after a lot of effort with a lot of thought put into it.

He said the planning report, in his opinion, was badly researched. It ignored recreation impact. It ignored county Parks and Recreation Department. It ignored the overall intent of the Strategy. It specifically ignored the recreation component of the strategy and seems to lack even an understanding of the Strategy. He said if this amendment is approved it will be an anomaly in the Strategy and will cause inconsistent and interpretations. He said one policy will be contradicting others. He said even if the amendment is made the specific proposal referred to this evening would still be at odds with the rest of the Strategy and could and would be contested, from many fronts. He said no coherent arguments have been made that could remotely justify the tinkering with the Strategy. The report attitude is condescending. He said the proposed amendment has

been almost unanimously reject the duly elected Lawrencetown Citizens' Committee. He said the Committee was established to formulate and monitor the Lawrencetown Planning Strategy.

He said if the Committee is ignored what message is that sending to the residents. He said by reports own admission they don't even know what demands exist for the service being considered. A business plan and market assessment should have been provided before this process even started. He said the entire Planning Strategy is due for review within twelve months. He said the amendment does not even achieve the objective of qualifying the Patterson development and does not move the Strategy forward at all. He said the inconsistencies identified are sufficient grounds for council to reject the proposed amendment and could also be grounds for the community to make application to Municipal Affairs asking the amendment be refused approval. He said it could also be used in application to the Appeal Board in the event of this specific proposal moving forward. He said based on all the above he would suggest that council reject, at this time, not only the proposed amendment but also the specific Patterson application. He said he would recommend the latter because even approval of the amendment does not qualify the Patterson development.

Councillor Giffin asked Mr. Mackie where he lived in relation to this area. He said he lived on the Crowell Road.

Mr. Mackie said the Departments Parks and Recreation and Natural Resources deal basically with provincial parks. They are not really concerned with local community needs. He said the department he is with deals with the community based organizations such as Kinap.

Councillor Giffin said Mr. Mackie had mentioned several times about business plans and market surveys. He said unless Mr. Patterson is borrowing money from somebody he does not have to present them and he has no requirement to present them to council. He asked Mr. Mackie if he was aware that some of the reviews of plans have taken over years to go through a review process. Mr. Mackie said he was aware of this.

Deputy Mayor Bates asked if the Nova Scotia Sport and Recreation Association owned the property next door to Mr. Patterson's. Mr. Mackie said the county owns the property across the road and right next to the lot being discussed.

Mayor Ball asked Mr. Mackie if he was speaking as a private citizen or on behalf of the Association. Mr. Mackie said he was speaking as a citizen.

Mayor Ball said it had been alluded to that the County Parks and Recreation department wasn't contacted for their input. He asked

if Mr. Mackie would have any objections to the county setting up a canoe rental on the piece of property next to Mr. Pattersons property. Mr. Mackie said he would have no problem with that.

Mayor Ball asked if Mr. Mackie was suggesting that council wait until December, 1995 before even considering this application. He asked if Mr. Mackie was suggesting that if council made a mistake in any plan area it be locked in for five years and everybody's life should be put on hold for five years until it comes up for review and take away anybody's right to apply for a rezoning or an amendment. He said he was saying anybody's right not just Mr. Patterson's but anybody's no matter what circumstances prevail.

Mr. Mackie said what he is suggesting here is that there has been a change made in a small park which impacts on a whole and that whole wasn't being looked at.

Mayor Ball said Mr. Patterson has asked for a Plan amendment. He has paid for that. Staff has an obligation to bring it forward and council makes the decision. He said he does not feel that council has the right to stop the democratic process of somebody applying for a Plan amendment or a rezoning because there is a Plan in effect. He said if a Plan is mistaken it is council's responsibility to correct those mistakes. If somebody is requesting something, it is council's responsibility to review it.

Mr. Doug Simpson spoke in opposition to the application. He said he has lived in the Saltwater Lake Subdivision for twelve years. He said he is here to voice his opposition to any change in the Lawrencetown Municipal Planning Strategy and Land Use By-law. He said he is concerned with the broad use of the word recreational and what is the definition of a recreational facility. He said another concern is the use of the word commercial. He said the word indicates profit and plans have a danger of being changed when the ability to make a profit becomes concerned. He said he would caution the use of that word and the fact that where profit is the ethic it does cause things to change. He said there is a recreational area that is part of the subdivision that, with development, can meet the recreational needs of their particular subdivision.

Mr. Paul Legere spoke in opposition to the application. He said he would like to voice his opposition to this change in the Plan because the Plan is something that was worked out over many years and was a compromise that was arrived at to satisfy the wants of the majority of the people of Lawrencetown. This change represents a very major change to that Plan and it contradicts what the people have tried to do over the years. He said the term recreational use is not properly defined and he feels this is opening things to a broad range of commercial uses including

stores, motorized sports or many other things which may be quite different than what is being considered tonight. He said the proposed change would apply to the whole community and not just to the Porter's Lake area and this one lot but rather to all of the various subdivisions. He said they have to consider that the change is going to happen to the whole community. He said they are very close to a review of the Plan and the proper time to consider such a major change is with the rest of the Plan and not just as one item.

Mr. Bill Farrell spoke in opposition to the application. He said he is a neighbour of Mr. Pattersons. He said he does understand Mr. Pattersons desire to have a business close to his home. He said the lake is a place of great natural beauty. He said there is an island just a couple of hundred yards off Mr. Patterson's property which is a home to Loons, Osprey and other birds. He said it is a refuge for wildlife and he would like to keep it so. He said motor boats come along and have a disastrous effect upon the Loons. He said if he could be assured that Mr. Patterson's application would lead to only a few non motorized craft and absolutely no launching of private motor craft he could live with it. He said if the proposal opens the door to a proliferation of commercial businesses for the area then he is opposed.

Mr. Don Grady spoke in opposition to the application. He said he is the Chairman of the Lawrencetown Citizens' Committee. He said they have been engaged, in Lawrencetown, since 1978 in an effort to make sure that they build a good solid coherent and cooperative community. He said that effort has involved them as a community in electing representatives from the community. He said the Committee was given a specific and clear mandate and that was to negotiate with the Province of Nova Scotia in order to work out protection for private property and the use of private property. He said another part of their mandate was to work with County council and with other existing government departments in order to develop a Planning Strategy for the community which would maintain the integrity of that community. He said they do their best to reflect the values of the community and the wishes of the residents. He said the work they have done on the Lawrencetown Planning Strategy and Land Use By-law is an authentic representation of the will of people of Lawrencetown. He said he recognizes that there may be aspects of this plan that are not acceptable to a number of individuals living in the community. He said P-62 of the Lawrencetown Planning Strategy requires that were there is any amendment to the Strategy or By-law the Lawrencetown Citizen's Committee must participate in that process. He said the Committee did not participate in the considering of this amendment. He said the proposed amendment to the Plan is a contradiction of the Plan. He said the Citizen's Committee have considered the amendment and they are of the opinion is invidious to the goals, purposes and intent of the Planning Strategy.

He said the staff report suggests amending Policy P-8 but Policy P-7 is the policy which refers to recreational uses. He said policy P-8 refers to changes in large tracts of land and Mr. Patterson's acreage consists of exactly one acre. He said he feels Mr. Patterson's issue should have been taken up in Policy P-7 and not Policy P-8. He said the Plan also has very specific reference and specification of the importance of the preservation of marshlands and the waters of Porter's Lake and its margins are specifically included. The staff report is silent on the implications and consequences of permitting a use like Mr. Patterson's upon the waters of Porter's Lake. He said it may be a situation that if council follows the staff recommendation it will be placing itself in a position of an endorsed violation not only of the intent and purpose of the Lawrencetown Strategy but also the existing legislation covering marshlands, border areas and water bodies in Lawrencetown.

He said there are currently 62 home businesses operating in Lawrencetown. He said if council feels there should be commercial development in Lawrencetown and, feel they can encourage commercial development by amending the Plan he believes they are much mistaken because any effort to introduce a new zone and use in Lawrencetown, through the amendment process, will be challenged before the Nova Scotia Utility and Review Board and in the Courts. He said Mr. Patterson had indicated that he would sit down with the Citizens Committee and discuss an amendment to the Plan which would be specific to Crowell Road and would provide for the kind of business activity that he wishes to undertake. He said if this is postponed for further study by staff and consultation by the Lawrencetown Citizens Committee he would promise that they will do their job properly and will be guided by the will of the people of Lawrencetown in a community meeting with a binding vote.

Councillor Giffin said that it is his understanding that Mr. Grady's Committee along with other interested community groups were invited to the Public Participation Session.

Mr. Randy Barkhouse spoke in opposition to the application. He said he is a member of the Citizen's Committee. He said some of the drafting of the Plan was done by the Citizen's Committee in consultation with the Municipal PAC. He said it was passed after much discussion and then to Municipal Affairs where revisions can be made. He said, in his opinion, if council passes what has been presented tonight and Municipal Affairs is following their own principles they would toss the proposed amendment out. He said he feels it is a very flawed process and he does not feel Mr. Patterson is being served well by the proposed amendment. He said Mr. Patterson wants to do something with one particular site of land but there is an amendment proposed that changes, effectively, fundamental premise of the Plan that is in place for the whole community.

Ms. Janice Gamble spoke in opposition to the application. She said she is not opposing specifically the business that Mr. Patterson is suggesting but just opposing the planned amendment. She said she feels that by taking it apart piecemeal you are destroying any long range planning. She said she feels there is a need to preserve a lot of the natural environment.

Ms. Carol O'Neil spoke in opposition to the application. She said concerns have been raised with respect to the impact to the immediate residential area where the development would occur and for the community as a whole. She said these concerns have to be weighted carefully in making a decision. She said there was a lot of time spent trying to free areas that Mr. Patterson wants to develop from the very stringent controls. She said that was done by trying to balance the needs and rights of individual owners of land and the requirement of the provincial government that the environment be protected. She said the community has experienced long and difficult negotiations with both the Municipal and Provincial governments over the question of land use policy. She said the community has had some measure of stability and certainty since the coming into force of the Planning Strategy and By-law in 1990. He said it is document born out of a high degree of community involvement and compromise. She said it is widely respected and provides a sense of security for the community after many years of uncertainty and lack of community control. She said the people expect the community to grow but they expect to be involved in shaping that growth and development. She said the natural environment represents the primary asset in the community both for the quality of life that it provides the residents and it's potential for business development. She said protecting this environment is a major priority for the community of Lawrencetown.

She said setting aside the difficulties that would ensue from locating this one commercial operation in a residential neighbourhood, the amendment itself poses a very serious threat to community goals. She said instead of carefully controlling and planning development activities on the basis of a long term strategic plan, the amendment would allow a piecemeal approach making it possible for so called recreational businesses to be established throughout the community. She said neither sound economic planning nor sound community planning can be accomplished on a case by case basis. If the community wants to develop a viable eco-tourism industry it must be accomplished through a comprehensive planning effort. Community people have expressed, to her, a view that an ad hoc approach, which this amendment would allow, would result in a hodge podge of enterprises which would not only spread commercial development through the community rather than well planned clustered but would also destroy the very assets they seek to develop - the unspoiled natural environment. This amendment would be counter productive in the long run and does not have wide spread

community support. She said the amendment is poorly designed and contradictory. She said Policy P-8 is intended to deal with large development on large tracts of lands and not on single lots in residential areas. The amendments proposed to P-8 don't fit there. She said for these reasons and ones made by others it is apparent that the proposed amendment is flawed both in it's current formulation and in terms of the overall implications it holds for the Lawrencetown community. She said it appears that the most advisable course of action is to refer the matter back to staff and to make consideration of any redrafted amendment the subject of wide spread community debate. She said amendment would take the right away from the community of planning it's own future.

Deputy Mayor Bates asked Ms. O'Neil if she was suggesting that this be deferred because she was more concerned with the amendment to the Planning Strategy rather than specifically the development of that parcel of land by Mr. Patterson.

Ms. O'Neil said she is concerned with the development of that parcel of land because she feels that if they are going to develop an eco tourism industry then they have to approach that very strategically and have very good plans about it. She said not through the development of individual small businesses scattered throughout the community. She said it has to be done on the basis of good economic decisions and good planning decisions so that the environment is not ruined.

Deputy Mayor Bates asked if there was a strategy put in place as suggested by Mr. Grady that was site specific would Ms. O'Neil feel that would be an approach to be taken.

Ms. O'Neil said if it was undertaken in full consultation. She said the site is within a residential area and the quality of life of those residents have to be taken into account in making a decision. She said if the people are consulted and involved in making a decision and accommodations in drawing up a plan for the development of this business then she has no objections to that. She said if it is site specific and not available throughout the entire community. She said no one wants to prevent Mr. Patterson from making a living and she is not against this business because of the type of business but rather because of where the location is and because of the planning method that has been adopted to allow it to occur.

Councillor Giffin said Ms. O'Neil said she doesn't want to see it done on a case by case basis but the Chairman of the Citizen's Committee wants council to put it aside so they can meet and talk one on one with Mr. Patterson.

Ms. Pat Simpson spoke in opposition to the application. She said she did not have more to add but would like to have noted for the

record that she was in opposition.

REBUTTAL BY APPLICANT

Mr. Patterson said he would like to comment on the area specific amendment. He said if it would ease the Citizen's Committee's stance he would have no problem with an area specific amendment. He said he would suggest four miles of the Crowell Road from the beginning to Smelt Brook which is the end of the Lawrencetown designation. He said there is very little room for any other type of venture but there is room for some businesses of this nature. He said the subdivision has a piece of recreation land. He said it is time for council to make a decision as the process has been ongoing for over a year since he put forward his application.

Councillor Reid said maybe Mr. Patterson, the Citizen's Committee and Ms. Corser could sit down and come back by a predetermined date could this be done.

Mr. Patterson said he does not feel he should sit down and negotiate with Mr. Grady and his Committee. He said if council decides that an area specific amendment could be made he would be agreeable to work out whatever was necessary.

Councillor Randall said in view of the divided opinion he believes that there are some things that should be looked at again and it would seem that staff and Mr. Patterson need to sit down with the Citizen's Committee and work out the problems.

Mr. Patterson said that he had approached the Citizen's Committee when he had first planned this and they had promised that a meeting would take place to discuss it and it never happened until it got to where he finally got it to the public participation stage.

Councillor Barnet asked if an amendment to this application were to be specific to an area rather than as advertised would be considered a minor or major amendment.

Mr. Crooks said it would not be a minor amendment. He said if deferral for some sort of additional process was what council had in mind, rather than simply dropping the process, up to this point, he would suggest that council defer a decision on this application to a date certain in the future so that there could be a review of an accommodation or some alternative amendment. He said the judgement could be made at that point whether that amendment is one that could be dealt with in the ambit of the existing notice and process or whether it would be required to be readvertised.

Mr. Crooks said if there were to be a deferral council would