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MEMORANDUM

TO: Chair and Members of North West Planning Advisory Committee

FROM: Shayne Vipond, Senior Planner

DATE: January 25, 2016

SUBJECT: **Case 20247: Application by RMP Development Consulting Limited is seeking to enter into a Development Agreement for an equestrian farm at 1418 Lucasville Road, known as Restless Pines Equestrian Center.**

Background:

Existing Use An equestrian farm with 40 horses.

Designation Mixed Use B Designation for the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy

Zoning MU-1 (Mixed Use) Zone under the Beaver Bank, Hammonds Plains and Upper Sackville Land Use Bylaw

Proposal The proposal is seeking to legalize the existing equestrian farm by way of development agreement in accordance with the Municipal Planning Strategy for Beaver Bank, Hammonds Plains and Upper Sackville.

MPS Policy The application can be considered subject to Policies P-27 and P-137 (Attachment C), which permits consideration of an equestrian farm use as a Commercial Recreation Use on the lands subject to the approval of a Development Agreement accordance with the provisions of the *Halifax Charter*.

Proposal

An application by RMP Development Consulting Ltd. has been made to enter into a Development Agreement (DA) to legalize an existing equestrian farm (Restless Pines) at 1418 Lucasville Rd in Lucasville.

Over the last fifteen years Restless Pines equestrian centre has expanded beyond the limits of the agricultural use definition under which it was first established in 2000. As a result of this expansion, Restless Pines has now become a Commercial Recreation use and is therefore out of compliance with the Beaver Bank, Hammonds Plains, Upper Sackville Land Use By-law (LUB).

The DA proposal must go before the North West Community Council for decision. If the application is approved the equestrian farm could be legalized.

The property is designated Mixed Use B and zoned MU-1 (Mixed Use 1) under the Beaver Bank, Hammonds Plains, Upper Sackville Municipal Planning Strategy (MPS) and LUB. The proposal is being considered under the provisions of MPS Policies P-27 and P-137 which permits consideration of the equestrian farm use on the lands subject to the approval of a DA (Attachment C).

The planning application does not propose to alter the existing operating at this time.

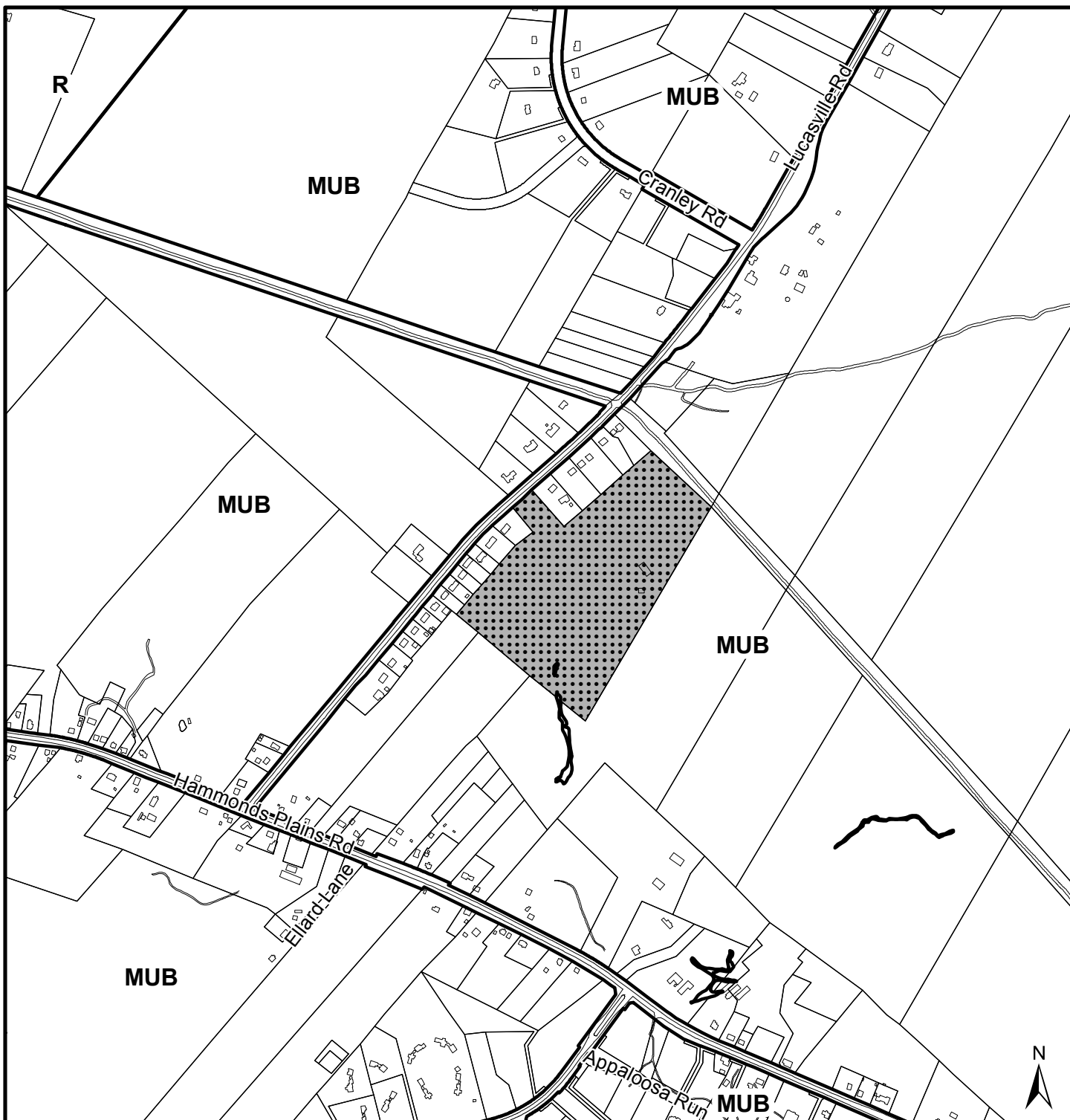
A public information meeting was held on January 25, 2016 at the Wallace Lucas Community Centre (Attachment D).

Input Sought from North West Planning Advisory Committee

Feedback is sought from NWPAC relative to this proposed application. NWPAC's recommendation will be included in the staff report to Community Council.


Attachments:

Map 1	Generalized Future Land Use Map
Map 2	Zoning Map
Attachment A	Site Plan
Attachment B	Aerial Photo – 1418 Lucasville Rd
Attachment C	Excerpts from the MPS - Policies P-27 and P-137
Attachment D	Public Information Meeting - Minutes



Map 1 - Generalized Future Land Use

1418 Lucasville Road,
Hammonds Plains

 Area of Proposed
Development Agreement

Beaver Bank, Hammonds Plains
and Upper Sackville Plan Area

Designation

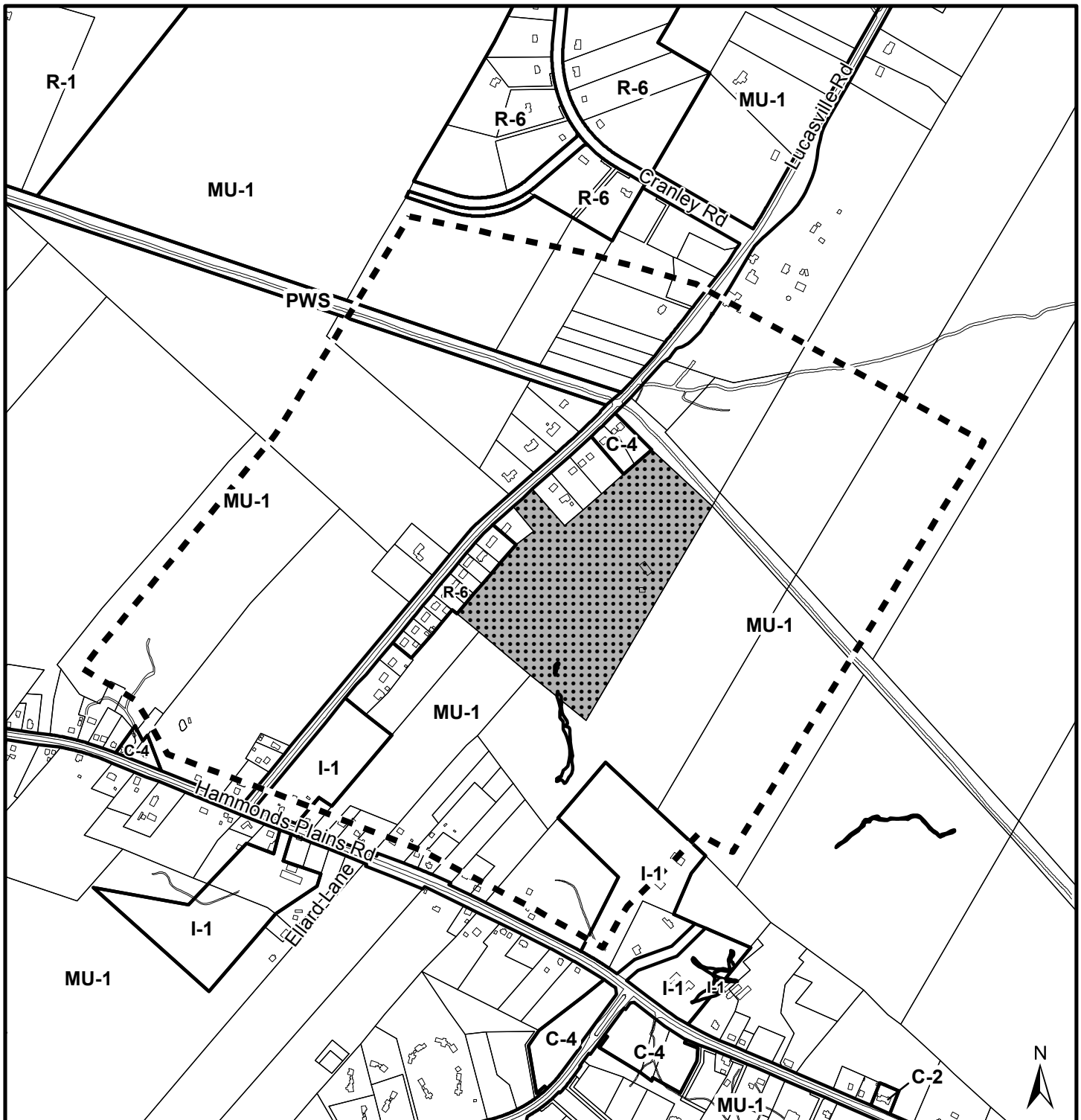
MUB Mixed Use B

HALIFAX

0 100 200 300 m

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


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




Map 2 - Zoning and Notification

1418 Lucasville Road,
Hammonds Plains

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 Area of Proposed
Development Agreement

 Area of Notification

Beaver Bank, Hammonds Plains
and Upper Sackville Plan Area

Zone

R-1 Single Unit Dwelling
R-6 Rural Residential
MU-1 Mixed Use 1
C-4 Highway Commercial
I-1 Mixed Industrial
PWS Protected Water Supply

0 100 200 300 m

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

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this plan is not guaranteed.

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Attachment B

Aerial Photo – 1418 Lucasville Road



Attachment C

Excerpts from the Beaver Bank, Hammonds Plains and Upper Sackville Municipal Planning Strategy

P-27 Within the Mixed Use A, B and C Designations, it shall be the intention of Council through the land use by-law to provide for the continued use of commercial recreation uses to the extent they presently exist (Policy P-9 and P-12). Further, Council may consider any proposed expansion of existing commercial recreation uses as well as the development of new commercial recreation uses by development agreement and according to the provisions of the Municipal Government Act. In considering any new or expanded commercial recreation use, Council shall have regard to the following:

- (a) that the site exhibits characteristics which make the location particularly suitable for the proposed use;
- (b) the potential for adversely affecting adjacent residential and community facility development by virtue of noise, visual intrusion, traffic generation and littering;
- (c) the provision of landscaping or buffering from adjacent development and the public road to which it has access in order to reduce the impact of the proposed development;
- (d) the availability of a site and site design which will entirely contain all aspects of the operation within the boundary of the proposed site;
- (e) the impact on traffic circulation and in particular sighting distances and entrances and exits to the site.
- (f) the layout and design of the facility;
- (g) general maintenance of the facility;
- (h) where any sewage treatment plant is proposed, the location and level of treatment of the sewage treatment plant;
- (i) that the appearance of all buildings and structures related to the use shall be compatible with the surrounding area in terms of scale, exterior finish and signage;
- (j) an assessment of environmental concerns related to the proposed development and in particular, potential effects on watercourses;
- (k) the requirement for any applicable provincial approvals; and

- (l) hours of operation; and
- (m) the provisions of Policy P-137.

P-137 In considering development agreements and amendments to the land use by-law, in addition to all other criteria as set out in various policies of this Plan, Council shall have appropriate regard to the following matters:

- (a) that the proposal is in conformity with the intent of this Plan and with the requirements of all other municipal by-laws and regulations;
- (b) that the proposal is not premature or inappropriate by reason of:
 - (i) the financial capability of the Municipality to absorb any costs relating to the development;
 - (ii) the adequacy of central or on-site sewerage and water services;
 - (iii) the adequacy or proximity of school, recreation or other community facilities;
 - (iv) the adequacy of road networks leading or adjacent to or within the development; and
 - (v) the potential for damage to or for destruction of designated historic buildings and sites.
- (c) that controls are placed on the proposed development so as to reduce conflict with any adjacent or nearby land uses by reason of:
 - (i) type of use;
 - (ii) height, bulk and lot coverage of any proposed building;
 - (iii) traffic generation, access to and egress from the site, and parking;
 - (iv) open storage;
 - (v) signs; and
 - (vi) any other relevant matter of planning concern.
- (d) that the proposed site is suitable in terms of the steepness of grades, soil and geological conditions, locations of watercourses, marshes or bogs and susceptibility to flooding.

- (e) Within any designation, where a holding zone has been established pursuant to Infrastructure Charges - Policy P-81, Subdivision Approval shall be subject to the provisions of the Subdivision By-law respecting the maximum number of lots created per year, except in accordance with the development agreement provisions of the MGA and the Infrastructure Charges Policies of this MPS. (RC-Jul 2/02;E-Aug 17/02)

Attachment D – Minutes

Attachment D

HALIFAX REGIONAL MUNICIPALITY Public Information Meeting Case 20247

Thursday, January 25, 2016
7:00 p.m.

Wallace Lucas Community Centre - 596 Lucasville Road, Lucasville, NS

STAFF IN

ATTENDANCE: Shayne Vipond, Senior Planner, HRM Development Approvals
Holly Kent, Planning Technician, HRM Development Approvals
Tara Couvrette, Planning Controller, HRM Development Approvals

ALSO IN

ATTENDANCE: Councillor Brad Johns, District 14
Councillor Matt Whitman, District 13
Councillor Steve Craig, District 15
Councillor Steve Adams, District 11
Applicant/P. Engineer, Robert MacPherson, RMP Consulting
Owner/Operator of Restless Pines, Heidi MacInnes

PUBLIC IN

ATTENDANCE: Approximately 40

The meeting commenced at approximately 7:00 p.m.

Call to order, purpose of meeting – Shayne Vipond

Mr. Vipond introduced himself as the Planner and Facilitator for the application; Robert MacPherson representing RMP Consulting - the applicant, Holly Kent as the Planning Technician; Tara Couvrette as the Planning Controller, Councillor Brad Johns, District 14

Councillor Brad Johns explained that there are no decisions being made here tonight this is just an opportunity to collect feedback about the application from the public.

Case 20247 - Application by Restless Pines to permit a Commercial Recreation Equestrian Centre by Development Agreement at 1418 Lucasville Rd, Lucasville NS

The purpose of the Public Information Meeting (PIM) is: a) to identify that HRM has received a proposal for the site; b) to provide information on the project; c) to explain the Planning Policies and the stages of the Planning Process; d) an opportunity for the applicant to present the proposal and answer any questions regarding the application; and e) an opportunity for Staff to receive public feedback regarding the proposal. No decisions are made at this PIM.

1. Presentation of Proposal – Shayne Vipond

Mr. Vipond introduced himself and provided a brief introduction to the application and then

made a presentation to the public outlining the purpose of the meeting, status of the application and the development request. Mr. Vipond outlined the context of the subject lands and the relevant planning policies.

Presentation of Proposal – Robert MacPherson of RMP Consulting

Mr. MacPherson explained the history of the farm, the proposal, and showed slides of what the farm looks like from different angles and viewpoints.

2. Questions and Comments

Walter Regan, Sackville Rivers Association, Sackville – He has no great concerns with this project. He wanted to know about manure handling. He is aware from the presentation that it is taken off site but would like to know what kind of volume is there. Is there any stormwater retention or handling on the facility and does it go into a pond or just run overland? He would like to get some baseline testing of Bob's Brook so we know what's happening and where it will go in the future. Bob's Brook runs into Sandy Lake and it is under threat from phosphorus. **Heidi MacInnes** -- Mathew Presty removes the manure every two months and would be able to answer that question. **Mathew Presty, Prestige Paving** – Approximately every two months they remove anywhere between 3-4 loads off site. **Robert MacPherson** – On the stormwater management side of it, it is the natural drainage there are no retention areas specifically designed for the site.

Claire Milton, Chester – She has a long history with Restless Pines. She would like people to know some of the real contributions of the farm to the equestrian community not just locally but also provincially and nationally as well. Her daughter started there when she was 11 and is now in her 3rd year of university. She can't speak highly enough of the experience her daughter had at Restless Pines. She has also volunteered at the shows/ competitions and the ones in the summer are nationally rated competitions sanctioned by Equine Canada. They form a very important part of the competition circuit not just in NS but in the Atlantic provinces. By participating in the Restless Pines competitions it is a big part of sport development and they are qualifying to go onto bigger and better things including the highlight of the year which is the Royal Winter Fair on Toronto Ontario every year. In fact students that are taught at Restless Pines and (horse) Boarders at Restless Pines are among the students that do qualify and do participate in the competitions as important and the Royal Winter Fair. When you are on the farm you have the feeling that you are far removed, it's like you are not aware that there is civilization around you because you cannot see neighbours. I have never heard anyone complain about the activities that go on at Restless Pines. As far as community importance, the fact that there is a farm in such close proximity to the city so city kids can participate in activities associated with horses is really important. Kids could go to the Bangel Lacers but if you have gone there and then you come out to Restless Pines you see why it is a great experience for city kids to see what it is like to have a life with horses.

Sue Creaser, Mount Uniacke –She would like to speak to the quality of horse mastership that is fostered on the farm, the quality of sportsmanship that breeds on the farm, the positive attitude towards sportsmanship and the sport itself and everything that can be done on the farm and to foster the equestrian community. That is the mission statement of what goes on there. The other thing that is important is the building of a business like this and the taking on the expense and the risk. It is very brave and bold. What is most impressive is that while she has

taken on all of this debt for herself and for others, any profit that is made is put back into the farm whether it is used to upgrade to the facility or the quality of the horses the students are riding etc. Heidi's goal always is to just to shoot way past where others might normally go to make sure that the quality is maintained on the farm.

Ross Evans, Pockwock Rd – There is a brook crossing not too far from the applicant's house and he is curious if there is a house right there (he pointed out what he was talking about on a slide of the property). He just wanted to know if that was the brook that Walter was talking about. **Heidi** stated that what he was pointing at on the map was her neighbours property not the brook. She stated the brook is on the opposite side of the driveway.

Paula Crouss, 1420 Lucasville Rd – She lost her tree buffer behind her property and the applicants. Her trees have started to fall down and she said she doesn't mind the speakers from the farm because they are not early in the morning and they are not all day. She stated the trees were just left down on her property and she is concerned that there might be plans to expand to the area behind her house. **Heidi** stated there are no plans to build anything on that section of property other than her future hope to have riding trails. When Juan came through it blew a lot of trees down and they took out what was blown down and any stumps. But when something like that happens and trees come down, the roots to other trees weaken and then more trees fall. She stated they are willing to have somebody come and remove the other trees that fell but it will take time for the regrowth to happen.

Karen Web-Anderson, Beaver Bank – She boarded her house there over the winter a few years ago and her eyes were opened to what a positive environment this type of facility could be. She has lots of experience volunteering with kids in different environments, classrooms, sports team etc. and Heidi and all her staff treat/speak to the children very positively. It is a very respectful atmosphere that doesn't just include all the kids and parents paying the bills but the people that come and go, the people that work there and the people that provide other services. That is very important to parents using the facility and people in the community to see people and youth treated that way but also to see how the animals are treated. They are very well looked after. If I have a concern and there was a blizzard and I called or texted Heidi, she would go and check on my animal for me and I wouldn't have to worry.

Pierre Legeir, 106 Gatehouse Run - He has been involved with the farm since its inception and he feels the biggest challenge today is finding people who want to work. The farm teaches youth discipline. Heidi rules with an iron fist, you had to be there at a certain time to feed the horse, to ride the horse, to get ready for your lesson, your horse had to ready and it had to be fed and cleaned. What he has seen is the kids that started there years ago are young adults now making their own way, opening their own businesses. These are university graduates and they are bringing a great amount of experience and knowledge with them. If he could speak to anything it is what the farm has brought to the youth of the community. It gives them a place of safe haven to develop their skills and mature.

Steve Weatherbee, Highland Park -- He operates the laser tag across the water and he is there on behalf of himself and Scott Warnaca who he leases the land from at Halliburton holdings – He wanted it known that he talked to Scott before coming to the meeting and they have no issues with the farm.

Denny Fountain, Lucasville – Sounds like a great farm and from the people speaking it doesn't seem like there are any objections regarding smells or drainage. When did the applicant determine they were non-compliant? It makes it sound like they were in a state of non-compliance for 10-12 years so how did this come about? **Mr. Vipond** stated it was as the result of a complaint that the Restless Pines situation became a compliance matter. **Denny Fountain** – His other concern is traffic and because he doesn't live right next to it he feels a sign might be called for at this location so trucks coming and going would be able to slow down near the farm because it looks like a driveway not an intersection. **Robert MacPherson** – It is a fair comment that people do travel too fast coming down Lucasville. This is a driveway not a traffic intersection that is for commercial use and being 7 meters wide, it is of a sufficient width. Signage on roads is not an applicant's decision to make as that decision goes through the traffic authority where they look at where and what kind of sign should be put up in the road right of way. But it is a good suggestion.

Iris Drummond, Chair for the Lucasville Community Association, 693 Lucasville Rd – The farm is so aesthetically beautiful. How long have you been there? **Heidi** – Since 2000. **Iris Drummond** – What is the degree of the slope of your land for water for your manure? I know you are not leeching it because you have it in stacks and you are removing it, it seems you may be doing that pretty regularly. Runoff and contamination to the stream is the concern for the people. Is there a slope or is the land engineered so that anything that is runoff isn't going to go into the land of the houses that are facing Hammonds Plains? **Mr. Vipond** - Stormwater management is a requirement under the existing policy. **Iris Drummond** – How many horses do you have as of now? **Heidi** - approximately 40 horses. **Iris Drummond** – When did you get your permit for an equestrian farm and how many horse do you expect to increase to? **Heidi** – I do not want to get anymore horses. **Iris Drummond** – There will be a new development agreement in which you will state you do not want more than 40 horses. **Mr. Vipond** – We will discuss that issue through the process. **Iris Drummond** – Sometimes people who live around here don't realize that what is 40 horses today could increase to 70 later. It impacts the neighbours but Heidi has stated she does have a lot of extra acreage which can be cleared and made into fields. The horses in the paddocks--what are the paddocks made of just hard soil? **Heidi** – Our paddocks/ property is a clay base and all the paddocks have a good 8 inches of crusher dust on top of that and any areas that were low at first were brought up with gravel. They are cleaned daily during the summer and very well maintained. Within the property there is a lower area for any drainage. Where the manure pile is, is very contained and moved very frequently so there has never been an issue. **Iris Drummond** – The animals and a quality style of life for them is important. **Heidi** – There have been up to 50 horses on the property. **Iris Drummond** – You have a good name and you keep a good premises and very compliant with your neighbours and show good faith but you will likely increase in horse numbers and people wanting to board. **Heidi** – 50 is an absolute max. **Iris Drummond** – Do you have a rodent issue? **Heidi** – No, I have the odd mouse but the barn cat takes care of that. **Iris Drummond** – After listening to people here tonight I have to congratulate you, very well done.

Tracey Hefluier, 1251 Lucasville Rd – He has known Heidi for a long time and she is a good person and a good business women. The equestrian sport is very important and he sees all kinds of times where our tax money is going towards other sports and Heidi is not looking for money just permission. She has been doing this for 14 years or longer and nobody knew the farm was there so she must have been doing something right.

Walter Regan, Sackville Rivers Association, Sackville – Is it possible to have the manure stored inside with the roof to reduce rain infiltration? The gentleman said a couple of truckloads. I would like to have that in tonnage. Is it possible to install water quality monitoring.

Councillor Johns - made closing comments.

3. Closing Comments

Mr. Vipond, thanked everyone for coming and expressing their comments.

4. Adjournment

The meeting adjourned at approximately 7:52 p.m.